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TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 277—TOBACCO LOANS

SUBPART—1946

Set forth below are the rates, by grades, of advances which will be paid to growers of 1946 crop Wisconsin, type 54, tobacco under the tobacco loan program formulated by Commodity Credit Corporation, published in 11 F. R. 12781.

§ 277.9 1946 Crop—Wisconsin, Type 54, Tobacco Advance Schedule.

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
B1M	40.00	C4M	11.00
B2M	35.00	C5M	9.00
B3M	30.00	X1	17.00
B4M	27.00	X2	14.00
B5M	24.00	X3	13.00
C1MB	22.00	X4	9.00
C2MB	20.00	X5	8.00
C1M	20.00	Y1	10.00
C2M	17.00	Y2	9.00
C3M	15.00	Y3	7.00

Tobacco graded G (green), W (wet), U (unsound), or N (nondescript), will not be accepted.

[SEAL.] JESSE B. GILMER,
President,
Commodity Credit Corporation.

[F. R. Doc. 47-4822; Filed, May 22, 1947; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE SUGARCANE WAGE RATES IN HAWAII FOR 1947

Pursuant to section 310 (b) of the Sugar Act of 1937, as amended, and after investigation and due consideration of the evidence obtained at the public hearings held in Honolulu, on February 25, 1947, and in Hilo on February 27, 1947, the following determination is hereby issued:

§ 802.34] Fair and reasonable sugarcane wage rates in Hawaii for the calendar year 1947. The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production, cultivation or harvesting of sugarcane in Hawaii during the calendar year 1947 if all persons employed on the farm during that period in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer. The producer shall not reduce the wage rates so agreed upon through any subterfuge or device whatsoever. (Sec. 301, 50 Stat. 909; 7 U. S. C. 1131)

Issued this 20th day of May 1947.

[SEAL.] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-4821; Filed, May 22, 1947; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 391]

PART 202—ACCOUNTS, RECORDS, AND REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of May 1947.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 205 (a) thereof, and for the purpose of implementing section 407 (d) thereof, and having afforded interested persons an opportunity to participate in the making of this revision, and having given full consideration to all relevant matters presented, hereby amends § 202.3 of the Economic Regulations in its entirety, to read as follows, effective immediately:

§ 202.3 Preservation of accounts, records, and memoranda—(a) Definitions. For the purposes of this section:

(1) "Records" means air carrier records which belong to the categories set

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1946 SUPPLEMENT

to the

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The following book is now available:

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A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

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forth in paragraph (d) of this section. The term "records" embraces accounts and memoranda and includes material coming into the possession of an air carrier through acquisition of, or merger with, other air carriers.

(2) "Certified description" means an instrument identifying records by date or period covered and describing them in accordance with paragraph (d) of this section, which instrument has been pronounced correct in a certificate executed by a responsible officer of an air carrier.

(3) "Certified reproduction" means a photographic reproduction of records, which has been pronounced correct in a certificate executed by a responsible officer of an air carrier, after having been made pursuant to an authorization issued by the Director of the Economic Bureau of the Board (i) by circulating, to all air carriers, a communication authorizing the substitution of a photographic reproduction for specified categories of records, or (ii) by approving an "application for substitution" filed with him by an air carrier.

(4) "Application for substitution" means an application setting forth: (i) A "certified description" of records relating to a period for which the Board has completed its audit; (ii) a description of the photographic process proposed for reproducing such records; (iii) a request for approval of the substitution of such reproduction for such records.

(b) *Substitution.* An air carrier may substitute a "certified reproduction" for the records reproduced.

(c) *Preservation.* All records, and all "certified reproductions" which have been substituted for records, shall be preserved by each air carrier for the respective periods prescribed in paragraph (d) of this section. Upon the execution of a "certified description" records which have been replaced by a "certified reproduction" and records and "certified reproductions" which have been preserved for the prescribed, may be destroyed, if further preservation is not necessitated by the requirements of any governmental instrumentality. If, during the prescribed period of preservation, records shall become unavailable through loss, destruction, or otherwise: The air carrier shall, without delay, submit to the Board an explanatory statement and a "certified description" of such records.

(d) *Time for preservation of records.*

PERIODS OF TIME PRESCRIBED FOR THE PRESERVATION OF RESPECTIVE CATEGORIES OF AIR CARRIER RECORDS

Item Nos.

- 1-18 Administrative and financial.
- 19 Insurance coverage and claim records.
- 20-23 Revenues.
- 24-32 Expenditures.
- 33-37 Maintenance and overhaul.
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- 42-46 Passenger service and reservations.
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ADMINISTRATIVE AND FINANCIAL

- 1. Minute books of directors', stockholders' and other committee meetings: Permanently.
- 2. Capital stock and bond records: Permanently.
- 3. Corporate election records, including (A) Official list of voting stockholders; (B) Returned proxies: 1 yr. after expiration of term.
- 4. Annual and interim reports to stockholders: Permanently.
- 5. Monthly or other periodical statements and supporting work papers of general balance sheet, income, and profit and loss accounts, comparative or otherwise: 5 yrs.
- 6. Retired securities: 3 yrs.
- 7. Ledger or ledger accounts:
 - A. Permanent: (1) General; (2) Investments and securities; (3) Property and equipment; (4) Revenue and expense: Permanently.
 - B. Others:
 - (1) Materials and supplies: 6 yrs.
 - (2) Bank balances: 3 yrs.
 - (3) Expense and working fund advances: 1 yr.
 - (4) Accounts receivable. (General): 6 yrs.
 - (5) Accounts payable. (General): 6 yrs.
 - (6) Accounts receivable. (Traffic): 2 yrs.
 - (7) Accounts payable. (Traffic): 2 yrs.
 - 8. Journals and registers supporting ledger entries: 10 yrs.
 - A. Journals (including authorizations, work sheets or summaries needed to explain journal entries) (1) Journal vouchers (General); (2) Cash receipts; (3) cash disbursements.

B. Registers: (1) Voucher, (2) Check, (3) Insurance, (4) Deferred charges, (5) Sales, (6) Pay roll, (7) Tax.

9. Deeds and franchises: Permanently.

10. Title papers: Until disposition of property or equipment.

11. Contracts, agreements, releases:

A. Contracts:

(1) Involving an interest in realty: Permanently.

(2) With governmental bodies (major contracts) Permanently.

(3) Involving purchase or sale of equipment: 6 yrs.

(4) Leases: 6 yrs. after termination.

(5) Of agency: 3 yrs. after termination.

(6) Air travel plan (including requests for additional cards) 3 yrs. after termination.

(7) Miscellaneous: Until expiration.

B. Releases from direct or contingent liability arising out of actions in tort: 2 yrs.

12. Tax records:

A. Ad valorem (according to value)

(1) Real estate statements, receipts and assessment appeals; 2 yrs. after disposition of property.

(2) Personal property statements, receipts reports and assessment appeals: 10 yrs.

B. Privilege taxes—statements, receipts, returns or reports, supporting summaries and assessment appeals (franchise, capital stock, licenses) Permanently.

C. Excise taxes on manufacture, sale or consumption (transportation, sales, gasoline and oil)

(1) Statements, receipts, returns or reports, report summaries and assessment appeals: 10 yrs.

(2) Details, supporting report summaries: 4 yrs.

D. Social security taxes:

(1) State and Federal unemployment insurance:

(a) Receipts; returns or reports; report summaries; assessment appeals: 10 yrs.

(b) Details supporting report summaries; removal notice forms: 3 yrs.

(2) Federal old age benefits:

(a) Receipts; returns or reports; report summaries; assessment appeals: Permanently.

(b) Details supporting report summaries: First quarterly returns each year, permanently; other quarterly returns, 10 yrs.

E. Income:

(1) Federal, State and municipal income tax returns, information returns, supporting papers, receipts, papers supporting refunds or legal actions relating to income taxes: Permanently.

(2) Detail supporting forms to Federal, State and municipal information returns: 3 yrs.

13. Fidelity bonds of employees:

A. Individual bonds: 3 yrs. after termination of employment.

B. Blanket bonds: 3 yrs. after expiration of bond.

14. Bulletins, orders, regulations - and other communications from Federal and State Regulatory Bodies pertaining to the air carrier: 1 yr. after becoming ineffective or inapplicable.

15. Treasurer's records:

A. Statements and summaries of balances on hand and with depositories or other periodical statements of working cash balances: 1 yr.

B. Statements from depositories of funds received, disbursed and transferred: 3 yrs.

C. Authorities for transfer of funds from one depository to another: 1 yr. after expiration.

D. Daily or other periodical statements of the receipts and disbursements of funds: 1 yr.

E. Bank deposit books and check book stubs: 3 mos. after Bank reconciliation.

F. Slips or statements giving the postings of miscellaneous receipts and payments of funds when the information contained there-

on is shown on other records which are retained: 3 yrs.

G. Copies of deposit slips and advices of transfer from one depository to another: 3 mos. after bank reconciliation.

16. Audit reports:

A. Reports, examinations and audits prepared and certified by independent public accountants: Permanently.

B. Reports of examinations and audits by internal auditors and others: 3 yrs.

17. Records pertaining to verifications of treasurers' cash or securities: 3 yrs.

18. Patents and copyright records:

A. Records pertaining to applications on which patents or copyrights issued: Permanently.

B. Records pertaining to applications on which patents or copyrights did not issue: 3 yrs. after abandonment or final rejection.

INSURANCE COVERAGE AND CLAIM RECORDS

19. Insurance coverage and claim records:

A. Insurance: (1) Policies; (2) Underwriters inspection reports of condition of property: Until expiration of policy.

B. Claim files including memoranda and reports in connection with loss, damage, personal injury, fire, etc., except claims for refund of transportation charges: 6 yrs. after settlement or rejection.

C. Assignments, attachments and garnishments involving (1) Employees' salaries or (2) Direct liability of carrier: 3 yrs.

REVENUES

20. Sales and ticket reports and other similar reports from stations, offices and agents: 4 yrs.

21. Tickets and ticket records:

A. Audited ticket coupons: 2 yrs.

B. Perpetual inventory ticket stock: 3 yrs.

C. Requisitions and receipts for tickets furnished agents and ticket selling employees: 3 yrs.

D. Records and reports incident to ticket refund claims: 3 yrs.

E. Lost ticket memoranda, certification of loss and receipt for refund: 3 yrs.

22. Volume travel plan records:

A. Receipts for Air Travel Cards: 1 mo. after expiration or return of card.

B. Receipts for One Trip Travel Orders: 3 mos. after orders are accounted for.

23. Invoices, bills, accounts receivable statements: (A) Transportation Receipts and One Trip Travel Orders; (B) copies of invoices and supporting papers; (C) Credit memoranda; (D) Statements (except when used as ledger): 1 yr. after settlement.

EXPENDITURES

24. Payroll and personnel records:

A. Pay records in general: (1) Control; (2) Individual employee earnings records; (3) Cancelled checks or receipts for payment; (4) Payroll authorization, removal, adjustment notices; (5) Payroll certification; (6) Overtime certification; (7) Absent reports: 6 yrs.

B. Other records:

(1) Employees' payroll deduction authorization: 1 yr. after termination of authority.

(2) Clock cards and flight crew time records: 3 yrs.

(3) Job expense distribution cards: 3 yrs.

(4) Records incident to issuance and control of identification badges and cards: 6 mos. after return of identification media.

C. Personal records: (1) Applications, (2) Contract or employment agreements, (3) Bond record, (4) History: 2 yrs. after termination of employment.

25. Vouchers:

A. File of voucher jackets or other (alphabetical, etc.) indexes to vouchers: 3 yrs.

B. File of voucher jackets with supporting papers attached:

(1) Vouchers involving purchase of property and/or equipment having unit values of \$100.00 or more: Permanently.

(2) Vouchers involving payments of workmen's compensation insurance: 10 yrs.
(3) Other vouchers: 6 yrs.
C. Paid drafts, checks and receipts for cash paid out except as otherwise herein provided: 6 yrs.

26. Other equipment and property records:
A. Schedule of budget authorization for retirements: Permanently.

B. Approved authorization for retirements: Permanently.

C. Depreciation schedules: Permanently.

27. Special authorization for expenditures:
A. Equipment and property: Permanently.
B. Other: 3 yrs.

28. Periodical schedules or statements of material and supplies received, issues, and on hand by locations: 3 yrs.

29. Materials and supplies, physical inventory data:

A. Records of inventories on hand: 3 yrs.
B. Reconciliation of physical inventory with book balances by account classification: 3 yrs.

C. Detail inventory cards supporting records of inventories on hand: 1 yr.

30. Stores record of materials received: 2 yrs.

31. Perpetual inventory records and sources of information from which journals for distribution of materials and supplies to expense are prepared:

A. Perpetual inventory cards showing receipts, issues, balances, etc.: 2 yrs. after transfer.

B. Requisitions: 2 yrs.

C. Notices of stores issues and transfers: 2 yrs.

D. Stores bin cards: 3 mos. after discontinuance.

E. Notices of depleted stock: 3 mos. after replenishment.

F. Records and memoranda of consigned materials: 1 yr. after settlement.

32. Gasoline and oil: (A) Requisitions (requests for issue); (B) Notices of issues, transfers, etc.; (C) Daily consumption records and motor readings; (D) Periodical station summaries: 2 yrs.

MAINTENANCE AND OVERHAUL

33. Recommendations and approvals for repairs to property and equipment:

A. Log books: Until equipment is sold or 3 yrs. after retirement.

B. Job or work orders: 2 yrs.

34. Records and reports concerning repairs (excluding job expense distribution detail):

A. Flight equipment

(1) Maintenance work: (a) Line check and work performed reports; (b) Intermediate line engine check and work performed reports: 2 yrs.

(2) Overhaul work: (a) Intermediate main base engine check and work performed reports; (b) Major overhaul check and work performed reports: Until equipment is sold or 3 yrs. after retirement.

B. Ground equipment and property: 2 yrs.

35. Records of inspections made by public authorities:

A. Certificate of aircraft airworthiness: Until equipment is sold or 3 yrs. after retirement.

B. Recurring inspections: 3 yrs. after next inspection.

C. Other inspections: 3 yrs.

36. Flight equipment maintenance service schedule showing by type of equipment the units received, released, and on hand: 1 yr.

37. Maintenance statistical data by individual units of flight equipment including: (A) Accumulated flight time; (B) Periodic inspections; (C) Maintenance service work performed; (D) Mechanical failures, etc.: Until equipment is sold or 3 yrs. after retirement.

TRANSPORTATION

38. System report of airplane movements by trip number showing: (A) Arrivals; (B)

Departures; (C) Delays; (D) Related information: 6 yrs.

39. Individual trip reports:

A. Operations Data: (1) Dispatchers clearance forms; (2) Weather forecasts (terminal and intermediate); (3) Flight plan; (4) Radio contacts by or with pilots en route: 3 mos.

B. Other Data: (1) Records of crews by trip numbers; (2) Passenger and cargo manifests; (3) Mail manifest, report of mail pouches received and distributed; (4) Records and reports of irregularities and delays in handling of passengers, mail and other cargo: 1 yr.

40. Records and reports (internal) and memoranda incident to airplane accidents:

A. Major accidents: 6 yrs.

B. Minor accidents: 2 yrs.

41. Air Express (Records and reports of express received and delivered; delays and irregularities, way-bills and related matters) 3 yrs.

PASSENGER SERVICE AND RESERVATIONS

42. Records of comments and complaints from passengers and others: 1 yr.

43. Records and reports of lost and found department: 1 yr.

44. Reports incident to meals prepared and served (For requisitions, notices of issue and commissary inventories, see No. 31) 1 yr.

45. Reservations reports and records:

A. Cards and charts constituting original source of passengers' names, telephone numbers, etc.: 3 mos.

B. Telegrams and radio messages relating to the clearance of space, passenger dispatches, etc.: 3 mos.

C. Records and reports relating to errors or irregularities, oversales, no-show passengers, etc.: 1 yr.

D. Bulletins of instructions dealing with schedule changes, reservations, procedure sales effort, etc.: 6 mos. after expiration.

46. Detective and police service reports and records in connection with policing the company's property, detective service, investigations of robberies, attempts to defraud the company: 1 yr.

MISCELLANEOUS

47. Purchase records:

A. Purchase orders: 3 yrs.

B. Requisitions for purchase orders: 1 yr.

48. Tariff and other rate authorities:

A. Official tariff regulations and amendments thereto: Permanently.

B. Authorizations, records, reports and supporting papers incident to the transportation of persons at reduced rates or free: 6 yrs.

C. Correspondence (including bulletins and circulars) and working papers in connection with the making of rates and compilation and interpretation of tariffs: 1 yr. after cancellation of tariff.

49. Reports to Civil Aeronautics Board, its predecessor (the Civil Aeronautics Authority), and other regulatory bodies:

A. Periodic financial, operating and statistical reports and supporting papers: Permanently.

B. Reports of accidents involving aircraft, mechanical interruption in flight, power plant failure and aircraft structural failure and defects; and supporting papers therefor: 2 yrs. after current yr.

C. Records and reports of petitions and hearings: 5 yrs.

50. Engineering records (maps, profiles, specifications; estimates of work; records of engineering studies; records pertaining to

extensions, additions and betterment projects)

A. Projects completed: 6 yrs. after completion.

B. Projects abandoned: 3 yrs. after abandonment.

51. Instructions to employees, agents and others (File copies of books and circulars of instruction on various topics) 2 yrs. after expiration or cancellation.

52. Employees welfare records:

A. Medical:

(1) By individual employee: 2 yrs. after termination of employment.

(2) Other: 1 yr.

B. Retirement Plan: 6 yrs. after termination of employment or 3 yrs. after notice of death of annuitant.

C. Workmen's Compensation:

(1) Accident reports: (a) Major: 10 yrs. (b) Minor: 6 yrs.

(2) Pay roll audits: 3 yrs.

D. Employees relief, hospital insurance, credit union, other than records pertaining to the receipt and disbursement of funds: 1 yr.

(1) Records pertaining to the receipt and disbursement of funds: same periods as provided for similar records elsewhere herein.

53. Advertising and publicity department records pertaining to displays, photographs, publicity, and advertising copy: 1 yr.

54. Records and reports of damage to buildings and equipment not covered by insurance: 3 yrs.

55. Correspondence:

A. Correspondence (including interoffice memoranda) without which the records specified in provisions considered herein would not be complete: The period prescribed for primary records.

B. Other correspondence: 1 yr.

56. Data relating to the destruction of records as provided in this section; authorizations and certificates executed in connection with the reproduction or destruction of records: Permanently.

(Sec. 205 (a) 52 Stat. 984, as amended; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,

Secretary.

[F. R. Doc. 47-4818; Filed, May 22, 1947; 8:53 a. m.]

TITLE 10—ARMY WAR DEPARTMENT

Chapter IV—Military Education

PART 403—PROMOTION OF RIFLE PRACTICE

MISCELLANEOUS AMENDMENTS

Part 403, Chapter IV Title 10, Code of Federal Regulations is amended in the following respects:

1. In § 403.1 revise paragraphs (b), (d) (1) (d) (4) (e) and (g) and revoke paragraph (f) (4) as set forth below:

§ 403.1 *Issues of rifles, ammunition, etc., to schools.* * * *

(b) *Kind of equipment to be issued.*

(1) The arms to be issued and the accessories, appendages, and pertaining equipment are as follows:

Articles	Remarks. See § 403.2 (d) (4)
Rifle, U.S., cal. .30, M1903 or M1903A1.....	1 per cadet, above the age of 14 years.
Bayonet, M1.....	1 per rifle.
Cover, front sight.....	1 per rifle.
Rod, cleaning, cal. .30, M2A1.....	1 per 8 rifles, cal. .30.
Chest, arm, M1903.....	1 per 10 rifles or fraction thereof.
Box, packing, bayonet.....	1 per 100 bayonets.

dividual named as individual principal on the bond. Signature of individual principal must be witnessed. No articles of incorporation are required in case individual acts as principal on bond.

(4) *Lost property surveys.* Government property lost, destroyed or damaged by fire, flood, theft, tornado, or other similar causes without fault or neglect on the part of the school, its servants or employees or any member of its student body receiving military training will be replaced at the expense of the United States. To determine whether such loss destruction or damage was without fault or neglect on the part of the school, its servants or employees, or members of its student body receiving military training a report of survey will be made according to the provisions of AR 35-6600 and §§ 824 111 to 824 115a, Part 824 Chapter VIII-10 CFR.

(e) *Ammunition and supplies.*—(1) *Annual issues.* To each school, so far as appropriations will permit, not more than the following:

Articles	Remarks	Sec 403 2 (c) (4)
Cartridge ball cal .30	To be issued to nearest full once on basis of 120 pounds per cadet above 14 years of age firing, but not to exceed 12 000 rounds per school	
Cartridge ball cal .22 long rifle	To be issued to nearest full once on basis of 200 rounds per cadet firing but not to exceed 20,000 rounds per school	
Cloth target 72 inches wide	16 yards per school	
Disk target, spotter 3 inch	20 per school	
Disk target, spotter 5 inch	30 per school	
Spindles, target, spotter	30 per school	
Pastors, target, buff or black	20,000 per school	
Targets paper outdoor	As authorized by the Director of Civilian Marksmanship on basis of course of fire	
Centers repair, target	1000 per school	
Targets, small bore qualification	1 per 5 rifles, cal 30	
Targets gallery 50 feet	1 per 3 rifles, cal 22	
Brush, cleaning cal 30 M3	1 per 20 rifles, cal 30	
Brush cleaning cal 22 M3	2 qts per 20 rifles, cal 30	
Cleaner rifle bore, 1 qt can	10 lbs per school	
Compound rust preventive light	1 qt per 20 rifles	
Oil lubricating preservative, Spl.	100 patches per rifle	
Patches, cut, cotton flannel		

(1) Annual requisitions: (a) Annual allowances are based upon a fiscal or school year from July 1st of one year to June 30th of succeeding year. These allowances are not cumulative.

(b) Requisitions for items authorized by annual allowances and required by school for succeeding year will be based upon pertinent records as to termination of current school year in instant 30th

that school concerned is part of said district, will be accepted in lieu of articles of incorporation, as evidence of legal entity of school district. Bond must be signed on behalf of school district, as corporate principal, by a member of governing body of district and there will be attached to bond, a certified copy of so much of the record of the proceedings of the district governing body as will give the resolution authorizing the individual, designated by name and title, to obligate the school district.

(iv) If district is incorporated and properly authenticated copy of articles of incorporation can be furnished, the district may execute bond as prescribed in subdivision (i) of this subparagraph, for incorporated school.

(v) Bond may be executed by an individual as principal. Such individual will be one having a directory control over the school such as president, superintendent, trustee, etc. Bond must be accompanied by certificate evidencing his directory control at time bond is executed. This certificate must be signed by some school official other than the in-

(2) *Requisitions.* (i) Initial requisition will be submitted by school at time of formal application, accomplished bond, and related papers are forwarded to the Director of Civilian Marksmanship. Requisition will specify full quantities of items, authorized above, that are required by school. Adjustment in unexpended balance is made on annual requisitions.

Articles	Remarks	Sec 403 2 (d) (4)
Scabbard bayonet, M7	1 per bayonet	
Screwdriver, rifle	1 per 8 rifles cal 30	
Sling gun, M1607, or M7	1 per rifle	
Belt cartridge, cal 30 dismounted	1 per rifle cal 30	
Rifle cal 22	10 per school	
Rod cleaning, cal .22 rifle	1 per 2 rifles cal 22	
Carrier target outdoor	2 per school	
Marker target, short range	2 per school	
Marker target mid range	2 per school	
Flag danger	1 per school	
Magazine assembly extra	1 per 22 cal rifle	

¹ Rifle, V S caliber 22 M2 and/or any rifle caliber 22 rifles issued one school will be the same effort being made to ascertain that all caliber 22 rifles issued one school will be the same make and model.

² To fit model of .22 caliber rifle issued

(2) School will submit requisition to the Director of Civilian Marksmanship for required quantities of items authorized in subparagraph (1) of this paragraph. Requisition will accompany formal application accompanied bond, and related papers submitted by school in accordance with the regulations in paragraph (c) (2) (i) of this section.

(3) Only articles listed in this section will be issued. Arms will be issued only for the use of cadets who are receiving adequate military training determined as the result of an inspection made under direction of the adjutant general of the State, Territory, or District of Columbia, and who will engage in target practice in accordance with the regulations prescribed by the National Board for the Promotion of Rifle Practice by firing one of the courses as prescribed in FM 23-10. The cadets qualifying in rifle marksmanship will receive appropriate badges when the qualifications are submitted to the Director of Civilian Marksmanship. Forms for making the report of qualifications will be furnished upon request.

(4) *Bonds, care of property, fire insurance, and lost property surveys.* (1) As a condition precedent to the issue of any Government property under this section, each school will be required to file with the Director of Civilian Marksmanship, on a form to be provided by him, a properly executed bond with good and sufficient surety in a penal sum of \$5,000 (or in such larger sum as he may determine necessary for the protection of the Government) providing that the school will take good care of, safely keep, and account for such arms and equipment as may be issued to said school and will, when required, duly return the same

within 30 days in good order and condition to such officer or person as the Secretary of War may designate to receive them, reasonable wear excepted. A list of companies approved by the Treasury Department as acceptable sureties on Federal bonds will be furnished to the Director of Civilian Marksmanship. Such bonds will be submitted to the Judge Advocate General for approval as to legal sufficiency. A school may select any one of the following procedures in executing bonds:

(i) An incorporated school may act as corporate principal on bond. Such bonds must be accompanied by a copy of articles of incorporation authenticated by Secretary of State or other officer having authority in State. Bond must be signed on behalf of corporate principal by a member of school's governing body and there will be attached to bond a certified copy of so much of the record of the proceedings of the governing body as will give the resolution authorizing the individual, designated by name and title, to obligate the school.

(ii) In the case of a public school organized pursuant to State statutes a certificate signed by the proper State or county official that the school is duly organized under such statutes will be accepted in lieu of articles of incorporation, as evidence of its legal entity.

(iii) A legally organized public school district which is incorporated, or organized pursuant to State statutes without articles of incorporation, may act as principal upon the bond of an unincorporated school which is a part of the school system of that district. In such cases a certificate executed by proper State or county official of that district is duly organized pursuant to state statutes, and

June or thereabouts. These requisitions will show balances on hand, and in "required" column will show the desired quantities, of authorized items required by school, in amounts which, when added to quantities on hand, will not exceed total authorized in subdivision (a) of this subdivision.

(c) Annual requisitions will be dispatched by school so as to reach the Director of Civilian Marksmanship on or before July 31.

(iii) A supplementary requisition may be submitted during year, if necessary, to meet conditions that differ from projection upon which original requisition was based.

(iv) The number of uniformed cadets over 14 years of age receiving military instruction and participating in target practice must be stated on all requisitions.

(3) *Transportation.* The transportation of ammunition and equipment from the Government arsenals to schools and back to Government arsenals will be without expense to the United States.

(f) *Rifles, appendages, and equipment.* * * *

(4) *Annual returns.* [Revoked]

(g) *Annual reports.* (1) Reports listed below will each cover the period July 1 of one year to June 30 of succeeding year. Reports will be so submitted as to reach the office of the Director of Civilian Marksmanship by July 31 of each year. Forms for these reports will be furnished by the Director of Civilian Marksmanship.

(2) Each school will submit an annual report of firing and report of target practice, through the adjutant general of the State, showing the full name of each student firing and his total score for course fired for record.

(3) An annual inventory of property, issued by the Government to the school, will be submitted by the official accountable for Government property held by school.

(4) Report of inspection made under direction of the adjutant general of State, Territory or District of Columbia, covering qualifications of school to remain eligible for Government assistance, will be forwarded through the adjutant general of State, Territory, or District of Columbia.

(5) Appropriate badges will be issued to cadets qualifying in rifle marksmanship upon application to the Director of Civilian Marksmanship.

(6) Requisition, to be used when requesting annual issues.

2. Amend § 403.2 as follows: Add subdivision (iii) to paragraph (a) (1) delete the word "senior" in the first sentence of paragraph (a) (6) revise paragraphs (a) (7) and (b) revoke paragraph (c) (4) amend paragraph (c) (5) by inserting the headnote "Appropriation by Congress of necessary funds" and redesignate the paragraph (c) (4) revise paragraph (d), amend paragraph (e) (1) revoke paragraph (e) (4) paragraph (e) (5) is redesignated (e) (4), revise paragraph (f) paragraph (g) is redesignated paragraph (h) and new paragraph (g) is added as set forth below:

§ 403.2 *Issues of rifles, ammunition, etc., to civilian rifle clubs—(a) Rules for organizing clubs.* * * *

(1) * * *

(iii) Ten or more physically fit male citizens above 14 years and under 18 years of age, residing in any locality, may be organized as a junior rifle division of a senior civilian rifle club and may receive the same issues and privileges as a junior rifle club, provided such sponsoring senior rifle club will be responsible and accountable for all property issued, such property to be secured by the senior club's bond. The senior club will appoint a responsible male citizen above the age of 21 years who will serve as junior division supervisor and instructor in rifle marksmanship. This supervisor and instructor will satisfy the Director of Civilian Marksmanship as to his ability to act in this capacity.

* * *
(6) All clubs organized under the * * *

(7) (i) All eligible members of affiliated senior rifle clubs are authorized to fire for qualification as expert, sharpshooter, or marksman, with both the caliber .22 rifle and the caliber .30 rifle. The courses authorized to be fired will be the same as those currently prescribed for the U. S. Army, except as hereinafter specified. The qualifications, when reported to the Director of Civilian Marksmanship, on the forms furnished by him, will be recorded and appropriate badges issued.

(ii) All eligible members of affiliated junior rifle clubs are authorized to fire for qualification as expert, sharpshooter, or marksman, the record junior small-bore course as prescribed by the Director of Civilian Marksmanship. The qualifications, when reported to the Director of Civilian Marksmanship on the forms

furnished by him will be recorded and appropriate badges issued.

(iii) The president of a senior civilian rifle club will designate which caliber .22 and/or caliber .30 courses will be fired for record by the members of his club.

(iv) The course or courses so designated may be fired as many times and whenever during the target season as the club president directs, but only the highest complete aggregate score of each individual for each course (caliber .22 and/or caliber .30 rifle) will be reported.

(v) The annual allowance of ammunition will not be increased on account of any rifle club firing the record courses more than once.

(vi) The record practice of a club will be conducted in accordance with the procedure governing record practice as currently prescribed for the U. S. Army, except that any rifle, caliber .22 or caliber .30 having metallic sights and a trigger pull of not less than 3 pounds may be used in firing record practice.

(b) *Issues—(1) Arms, ammunition, and appendages.* Arms, ammunition, and appendages will be issued only to such senior rifle clubs as are organized and conduct target practice under the rules of the National Board for the Promotion of Rifle Practice; to such junior clubs as are organized under the rules of the National Board for the Promotion of Rifle Practice and who conduct firing with the caliber, .22 rifle; and to organizations sponsoring rifle and pistol tournaments, deemed eligible for such aid by the National Board for the Promotion of Rifle Practice.

(2) *Senior clubs.* To each senior rifle club, so far as appropriations will permit, will be issued not more than the following:

(1) *Initial issue.*

Articles	Remarks. See § 403.2 (c) (4)
Rifle, U. S. cal. .30, M1, with accessories, or rifle, U. S. cal. .30, M1903 or M1903A1.	4 per club. ¹
Clips, M1.....	4 per M1 rifle.
Rod, cleaning, M1903 or M1903A1.....	1 per club.
Sling, gun, M1907 or M1.....	1 per rifle.
Rifle, cal. .22.....	4 per club. ²
Rod, cleaning, cal. .22 rifle.....	1 per club. ³
Carrier, target, outdoor.....	2 per club.
Marker, target, short range.....	2 per club.
Marker, target, mid range.....	2 per club.
Flag, danger.....	1 per club.
Magazine, assembly, extra.....	1 per rifle. ³

¹ Where the number of members of any one club who participate in rifle practice in any one year does not exceed 25. If more than 25 members of any club participate in rifle practice in any one year, then 1 additional rifle may be authorized for each additional 10 of such members, or fraction thereof, the total of such rifles issued not to exceed 8 to any one club. Model of rifle issued to be determined by the Director of Civilian Marksmanship.

² Only when sufficient quantities are available above the needs of schools and junior rifle clubs.

³ To fit model of .22 caliber rifle issued.

Additional target carriers, marking disks, and flags may be used when, in the opinion of the Director of Civilian Marksmanship, the range facilities, the membership of the club, and its activities warrant such issue.

(ii) *Annual issue.*

Articles	Remarks. See § 403.2 (c) (4)
Cartridges, ball, cal. .30.....	To be issued to nearest full case on basis of 120 rounds per member firing, but not to exceed 12,000 rounds per club.
Cartridges, ball, cal. .22, long rifle.....	100 rounds per member firing, but not to exceed 10,000 rounds per club.
Cloth, target, 72 inches wide.....	15 yards per club.

Articles	Remarks. See § 403.2 (c) (4)
Disk, target, spotter, 3-inch.....	20 per club.
Disk, target, spotter, 5-inch.....	10 per club.
Spindles, target, spotter.....	30 per club.
Pasters, target, buff or black.....	20,000 per club.
Targets, paper, outdoor.....	As authorized by the Director of Civilian Marksmanship on basis of course of fire.
Centers, repair, target.....	
Targets, small-bore, qualification.....	
Targets, gallery, 50 foot.....	1,000 per club.
Brush, artists, flat, bristle, ¾-inch.....	3 per club.
Brush, cleaning, cal. .22, M3.....	2 per club.
Brush, cleaning, cal. .30, M2.....	2 per club.
Cleaner, rifle bore.....	2 qts. per club.
Grease, lubricating, rifle (RS) 5cc container.....	2 per M1 rifle.
Oil, linseed, raw.....	1 qt. per club.
Oil, lubricating, preservative, special (PS).....	2 qts. per club.
Patches, cut, canton flannel.....	400 per weapon.
Soap, saddle.....	1 lb. per club.

(3) *Junior club.* To each junior rifle club, so far as appropriations will permit, will be issued not more than the following:

(i) *Initial issue.*

Articles	Remarks. See § 403.2 (c) (4)
Rifle, cal. .22 ¹	2 per club.
Rods, cleaning, cal. .22, M1 or M2.....	1 per 2 rifles.
Slings, gun, M1907 or M1.....	1 per rifle.
Magazine, assembly, extra.....	1 per rifle. ²

¹ Rifle, U. S. caliber .22 and/or any rifle, caliber .22 available at time of issue, every effort being made to ascertain that all caliber .22 rifles issued to one club will be the same make and model.

² If more than 10 members of a junior rifle club participate in target practice in any one year then 1 additional rifle for each additional 5 of such members, the total of such rifles issued not to exceed 10 to any junior club.

³ To fit model of caliber .22 rifle issued.

(ii) *Annual issue.*

Articles	Remarks. See § 403.2 (c) (4)
Cartridges, ball, cal. .22, long rifle.....	To be issued to nearest full case on basis of 400 pounds per member firing, but not to exceed 40,000 rounds per club.
Targets, gallery, 50 foot.....	5,000 per club.
Brush, artists, flat, bristle, ¾-inch.....	3 per club.
Brush, cleaning, cal. .22, M3.....	1 per 2 rifles.
Cleaner, rifle bore.....	1 qt. per club.
Oil, lubricating, preservative, spl.....	1 qt. per club.
Patches, cut, canton flannel.....	2,000 per club.

(4) *Issues to rifle clubs at schools.* Issues to rifle clubs at schools will be made only upon request of the principal or president of the school.

(5) *Issue of additional equipment.* When considered by the Director of Civilian Marksmanship to be essential, issue of additional equipment may be made to member schools and clubs, for use in tournaments conducted within the intent and scope of the regulations governing the promotion of small arms among civilian citizens. Additional issues also may be made of ammunition, target materials, and range supplies in types and quantities warranted by activities and approved by the Director of Civilian Marksmanship.

(c) *Requisitions.* * * *

(4) *Appropriation by Congress of necessary funds.* The issues * * *

(d) *Bonds.* No issues of the above equipment will be made to any rifle club until an approved and accepted bond on form provided by the Director of Civilian Marksmanship has been filed, providing that the club will take good care of, safely keep, and account for the property and will, when required by the Secretary of War, duly return the property within 30 days in good order, to the Chief of Ordnance, or to such other officer or person

as the Secretary of War may designate. Bond filed by a junior club will be in the penal sum of \$500, and hereafter bond filed by a senior club will be in the penal sum of \$1,000. The bond submitted as security for issues to an unincorporated rifle club will be executed by an individual as principal. The bond submitted as security for issues to a rifle club duly organized as a corporation under the laws of a State or Territory will be executed by the corporation as principal, the corporation's name thereto to be signed by its president, or other officer so authorized to act, attested by its secretary and the corporate seal duly affixed, pursuant to a resolution duly passed by the corporation's board of directors or other governing body. Whenever a rifle club is sponsored by a parent organization, e. g., an athletic club or fraternal organization, which sponsoring organization is incorporated, the sponsor may execute the bond under the same conditions as set forth above for an incorporated rifle club. If the school, club, or corporate principal has no seal, a statement to that effect must be made on the lower left corner of page 2 of the bond form. A copy of so much of the record of the proceedings of such board of directors or other governing body showing

such resolution and its adoption, duly certified by the secretary, and a copy of the articles of incorporation of the club duly certified by the Secretary of the State of incorporation or other comparable officer having custody of the original of such instruments, will accompany such bond. The value of the bond not only will be large enough to cover the value of the initial issue but also such issues as may be made at a later date. Issue of ammunition, paper targets, and other expendable material listed in paragraph (b) (2) (ii) and (b) (3) (ii) of this section will be made without bond.

(e) *Property.*—(1) *Transportation.* The transportation of rifles, spare parts, appendages, and other supplies from the Government arsenals to clubs and back to the Government arsenals will be without expense to the United States.

(4) *Return.* Whenever any club fails to return * * *

(f) *Annual reports.* Clubs will submit annually, as directed by the Director of Civilian Marksmanship, an inventory of U. S. property and a report of firing. These reports will be rendered by the officer accountable for property of each rifle club, on forms supplied by the Director of Civilian Marksmanship. Where issues are made to schools, the accountable officer will be the president or principal thereof.

(g) *Range facilities.* A description of range facilities will be submitted by each club and school when applying for enrollment and any change of such range facilities will be reported.

(h) *Failure to comply with regulations.* Failure on the part * * *

3. In § 403.3 (d) add subparagraph (3) to read as follows:

§ 403.3 *Use of rifle ranges for rifle practice by civilians.* * * *

(d) *Issue and care of arms.* * * *

(3) For use of authorized civilian participants in major competitions approved by the army commander, suitable arms will be made available under conditions to be prescribed by the army commander.

[AR 850-100, April 23, 1947] (43 Stat. 510; 32 U. S. C. 181)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-4919; Filed, May 22, 1947;
8:54 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 12—DELEGATIONS OF AUTHORITY

APPOINTING AUTHORITY

Section 12.1 *Appointing authority* (11 F. R. 177A-302, 303; 11 F. R. 11270) is rescinded and the following substituted therefor:

§ 12.1 *Appointing authority.* In accordance with the provisions of section 12 of Public Law 600, 79th Congress, Second Session, the Director of Person-

nel of the Department of Commerce is delegated all authority vested by law in the Secretary of Commerce to take final action on matters pertaining to the employment, compensation, and training of employees and the general direction of personnel administration activities in the Department of Commerce, including all primary organization units. In case of the absence of the Director of Personnel, the Acting Director may exercise this authority. Authority to make appointments of personnel in the field service, up to certain grade levels, has been delegated to the heads, executive officers, and personnel officers of primary organization units, to the Personnel Operations Officer and to certain officers in the field service. (Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 47-4817; Filed, May 22, 1947;
8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEA FOOD INSPECTION

INSPECTION OF CANNED OYSTERS

Under the authority of section 702A of the Federal Food, Drug, and Cosmetic Act, as amended (49 Stat. 871, 21 U. S. C., Sup. V 372a) each of the sections hereinafter specified of the regulations for the inspection of canned oysters published in the FEDERAL REGISTER of January 4, 1944 (9 F. R. 56) and as amended in the FEDERAL REGISTER of February 2, 1944 (9 F. R. 1203) June 15, 1944 (9 F. R. 6584) October 21, 1944 (9 F. R. 12675) June 30, 1945 (10 F. R. 7971) October 13, 1945 (10 F. R. 12800) and October 23, 1946 (11 F. R. 12379) is hereby amended as indicated below:

1. In § 155.30 (a) "\$400" is changed to "\$600"

2. In § 155.31 (c) the second sentence is changed to read: "In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application."

3. In § 155.32 (a), "\$300" is changed to "\$500"

4. Section 155.42 (a) and (b) are hereby repealed and the following is substituted therefor:

§ 155.42 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned oysters packed under such service in excess of the first 1,000 cases of oysters, or shrimp and oysters where the packer is also receiving inspection service under the regulations for the inspection of canned shrimp (7 F. R. 4945, as amended) For the purpose of this section a case of canned oysters shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than \$300 shall be made whenever necessary to

prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal years shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) In addition to the fee prescribed by paragraph (a) of this section, as amended, an initial advance deposit of \$600 (which includes a minimum case fee of \$200 for inspection service for the first 1,000 cases of canned oysters packed under these regulations in this part) shall accompany each application for an initial inspection period; thereafter, three advance monthly deposits of \$600 each shall be made on or before the first day of each following consecutive month: *Provided*, That a packer who is concurrently receiving inspection service under the regulations for the inspection of canned shrimp (7 F. R. 4945, as amended) shall not pay any advance deposits under this paragraph. Each application for an extension period shall be accompanied by a deposit of \$500, and at subsequent monthly intervals thereafter additional deposits of \$500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of \$16.67 for each day of such time. Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the \$200 minimum case fees referred to in this paragraph.

The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.12 (b) for the inspection of canned shrimp as the number of months of inspection service (including number of months, if any, for inspecting canned shrimp) rendered in such packer's establishment bears to the total number of months of inspection service for canned oysters and canned shrimp rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.43 (a) the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be applied toward the total cost of the entire inspection service in the same manner as the deposits of all other packers subscribing to the service, as prescribed in this paragraph, and the balance which would have accrued to such packer shall be transferred into the Treasury as a miscellaneous receipt.

These amendments shall become effective on July 1, 1947.

Notice and public procedure are not necessary prerequisites to the promulgation of these regulations, and I so find, since the cost of providing, equipping, and maintaining an adequate and efficient inspection service is readily estimated upon the basis of anticipated applications for inspection service, and

since public participation in the formulation of these regulations would be of no affirmative value to interested parties.

(Sec. 702A, 49 Stat. 871, 21 U. S. C., Sup. 372a)

Dated: May 20, 1947.

[SEAL]

MAURICE COLLINS,
Acting Administrator

[F. R. Doc. 47-4841; Filed, May 22, 1947;
8:46 a. m.]

PART 155—SEA FOOD INSPECTION

INSPECTION OF CANNED SHRIMP

Under the authority of section 702A of the Federal Food, Drug, and Cosmetic Act, as amended (49 Stat. 871, 21 U. S. C. Sup. V 372a) each of the sections hereinafter specified of the regulations for the inspection of canned shrimp published in the FEDERAL REGISTER of July 2, 1942 (7 F. R. 4945), and as amended in the FEDERAL REGISTER of June 10, 1943 (8 F. R. 7751) June 15, 1944 (9 F. R. 6583) June 30, 1945 (10 F. R. 7971), October 13, 1945 (10 F. R. 12800) and June 1, 1946 (11 F. R. 5904), is hereby amended as indicated below:

1. In § 155.00 (a), "\$450" is changed to "\$600"

2. Section 155.01 (c) is changed to read: "The applicant, by giving written notice to the Administrator, may withdraw his application for inspection service before July 1 preceding the inspection period covered by the application. In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application."

3. In § 155.02 (a), "\$300" is changed to "\$500"

4. Section 155.12 (a) and (b) are hereby repealed and the following is substituted therefor:

§ 155.12 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned shrimp packed under such service in excess of the first, 1,000 cases. For the purpose of this section a case of canned shrimp shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than \$300 shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal year shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) In addition to the fee prescribed by paragraph (a) of this section, as amended, an initial advance deposit of \$600 (which includes a minimum case fee of \$200 for inspection service for the first 1000 cases of canned shrimp packed under the regulations in this part) shall accompany each application for an initial inspection period; thereafter, seven advance monthly deposits of \$600 each shall be made on or before the first day

of each month commencing July 1 and continuing through January 1. Each application for an extension inspection period shall be accompanied by a deposit of \$500, and at subsequent monthly intervals thereafter additional deposits of \$500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of \$16.67 for each day of such time. Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the \$200 minimum case fees referred to in this paragraph. The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.42 (b) for the inspection of canned oysters as the number of months of inspection service (including number of months, if any, for inspecting canned oysters) rendered in such packer's establishment bears to the total number of months of inspection service for canned shrimp and canned oysters rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.13 (a) the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be applied toward the total cost of the entire inspection service in the same manner as the deposits of all other packers subscribing to the service, as prescribed in this paragraph, and the balance which would have accrued to such packer shall be transferred into the Treasury as a miscellaneous receipt.

5. In § 155.12 (e) "128013" is changed to "758013"

These amendments shall become effective upon publication in the FEDERAL REGISTER but shall apply only to service to be rendered on or after July 1, 1947. An immediate effective date is necessary, and I so find, since these amendments affect applications for initial inspection periods which must be filed by interested packers on or before June 1, 1947.

Notice and public procedure are not necessary prerequisites to the promulgation of these regulations, and I so find, since the cost of providing, equipping, and maintaining an adequate and efficient inspection service is readily estimated upon the basis of anticipated applications for inspection service, and since public participation in the formulation of these regulations would be of no affirmative value to interested parties. (Sec. 702A, 49 Stat. 871, 21 U. S. C., Sup. 372a)

Dated: May 20, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator

[F. R. Doc. 47-4840; Filed, May 22, 1947;
8:46 a. m.]

No. 102—2

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b) subparagraph (5) *Locations* (11 F. R. 177A-886; 12 F. R. 42) is amended, effective April 23, 1947, by:

1. Deleting the address "541-45 Broadway" opposite "Indiana, Gary" and substituting therefor the following address: "Post Office Building."

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup. 1702)

[SEAL]

R. WINTON ELLIOTT,
Assistant Commissioner.

MAY 5, 1947.

[F. R. Doc. 47-4797; Filed, May 22, 1947;
8:46 a. m.]

PART 500—GENERAL

FIELD ORGANIZATION

Section 500.22 *Field organization*, paragraph (b), subparagraph (5) *Locations* (11 F. R. 177A-886) is amended, effective May 10, 1947, by:

1. Deleting the address "Columbia Bldg." opposite "Washington, Spokane" and substituting therefor the following address: "Radio Central Building"

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup., 1702)

[SEAL]

R. WINTON ELLIOTT,
Assistant Commissioner.

MAY 14, 1947.

[F. R. Doc. 47-4786; Filed, May 22, 1947;
8:46 a. m.]

Chapter VIII—Office of Housing Expediter

[Priorities Reg. 33, Revocation of Directions 11 and 13]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

The following directions are revoked: Direction 11 to Priorities Regulation 33, Veterans' Emergency Housing Program; FPHA Temporary Re-use Housing Projects.

Direction 13 to Priorities Regulation 33, Production and Sale of House Trailers Under the Veterans' Emergency Housing Program.

These revocations do not affect any liabilities incurred for violation of these Directions, or of any action taken by the Civilian Production Administration, Office of Temporary Controls or Office of the Housing Expediter under these Directions.

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 22d day of May 1947.

OFFICE OF THE HOUSING
EXPEDITER,

By JAMES V. SARCONI,
Authorizing Officer.

[F. R. Doc. 47-4947; Filed, May 22, 1947;
10:54 a. m.]

[Suspension Order S-37]

PART 807—SUSPENSION ORDERS

JOHN A. PRING AND FLOYD L. KERSEY

John A. Pring, c/o Appleway Motors, East 8500 Sprague Avenue, Dishman, Washington, as owner, and Floyd L. Kersey, North 3420 Pine Road, Opportunity, Washington, as contractor, on or about the 18th day of February, 1947, began the construction of six aircraft hangars, 56' x 56' in size, with office space in one of the hangars, at Felts Field, Spokane, Washington, at an estimated cost of \$19,500, although John A. Pring had been authorized by the Civilian Production Administration, under CPA Form 4423, Case No. (Field) 9-3-987-F, on February 11, 1947, to construct only three aircraft hangars at an estimated cost of \$7,500. The beginning and carrying on of construction on the three unauthorized hangars was in violation of Veterans' Housing Program Order 1, and has diverted scarce materials to uses not authorized by the Office of the Housing Expediter. In view of the foregoing, it is hereby ordered that:

§ 807.37 *Suspension Order No. S-37.* (a) Neither John A. Pring nor Floyd L. Kersey, their successors or assigns, nor any other person shall do any further construction upon the three hangars located at Felts Field, Spokane, Washington, which were not authorized, including the putting up, completing or altering of said hangars unless hereafter specifically authorized in writing by the Office of the Housing Expediter.

(b) John A. Pring and Floyd L. Kersey, shall refer to this order in any application or appeal which they may file with the Office of the Housing Expediter relating to the above premises.

(c) Nothing contained in this order shall be deemed to relieve John A. Pring or Floyd L. Kersey, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of May 1947.

OFFICE OF THE HOUSING
EXPEDITER,

By JAMES V. SARCONI,
Authorizing Officer.

[F. R. Doc. 47-4832; Filed, May 21, 1947;
2:44 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5563]

PART 316—MANUFACTURERS' EXCISE TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 46 (1940 edition) (26 CFR, Part 316) relating to excise taxes on sales by the manufacturer under the Internal Revenue

Code, to the Excise Tax Act of 1947 (Public Law 17, 80th Congress, 1st Session) approved March 11, 1947, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding § 316.180 (26 CFR 316.180) there is inserted the following:

SEC. 2. [EXCISE TAX ACT OF 1947.]

Section 1650 of the Internal Revenue Code (war tax rates of certain miscellaneous taxes) is hereby amended by striking out "and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war."

PAR. 2. Section 316.181, as amended by Treasury Decision 5348 (26 CFR 316.181), is further amended to read as follows:

§ 316.181 *Rate of tax.* In the case of electric light bulbs and tubes sold on or after April 1, 1944, the tax is payable by the manufacturer at the rate of 20 percent of the sale price. In the case of electric light bulbs and tubes sold during the period October 1, 1941, through March 31, 1944, the tax was payable by the manufacturer at the rate of 5 percent of the sale price. The sale price shall be determined in accordance with the provisions of §§ 316.8 to 316.15, inclusive.

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(Secs. 3450 and 3791 of the Internal Revenue Code (53 Stat. 418, 467; 26 U. S. C. 3450, 3791))

[SEAL] WM. T. SHERWOOD,
Acting Commissioner of
Internal Revenue.

Approved: May 16, 1947.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-4795; Filed, May 22, 1947;
8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 1, Amdt. 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORT- ING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, March 25, 1947, as amended April 23, 1947, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located Within the Continental United States, Its Territories and Possessions" (12 F. R. 2249, 2773) is hereby further amended by changing § 8301.15 to read as follows:

§ 8301.15 *Withdrawals*—(a) *Personal property.* With the consent of the disposal agency, an owning agency may

withdraw personal property, including aircraft, aircraft parts and components, and electronics, which it has declared surplus: *Provided, however* That such withdrawals may be made only (1) on the forms prescribed by Order 3¹ under this part; (2) by the technical service, bureau, or other constituent part of the owning agency which made the declaration, or its successor; and (3) except in those cases in which withdrawal is for the convenience of the disposal agency, upon the further condition that the withdrawing agency agrees to reimburse, credit or pay the disposal agency for (i) all outhandling costs and freight charges, and (ii) such costs of care and handling of the property (incurred after the filing of the declaration, and for which the War Assets Administrator is responsible for reimbursement to disposal or owning agencies) as the disposal agency may deem appropriate.

(b) *Real property.* A request by an owning agency for the withdrawal of a declaration of surplus real property shall be transmitted to the Administration by the filing of WAA Form 1005 (formerly Form SPB-5) containing complete justification for the requested withdrawal. The Administration, after consideration of the request and any additional evidence deemed appropriate, shall approve or disapprove the request and notify the owning agency accordingly. Except in those cases in which withdrawal is for the convenience of the Administration, approval of such a request shall be upon condition that the Administration be reimbursed by the owning agency for such charges paid or incurred incident to the care, handling, and disposition of the property as the Administration may deem proper.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and E. O. 968^c (11 F. R. 1265))

This amendment shall become effective May 21, 1947.

ROBERT M. LITTLEJOHN,
Administrator

MAY 21, 1947.

[F. R. Doc. 47-4954; Filed, May 22, 1947;
11:03 a. m.]

[Reg. 13, Order 1]

PART 8313—STANDARD GENERAL PURPOSE AND SPECIAL MACHINERY

COMMERCIALLY UNSALABLE SPECIAL MACHIN- ERY TO BE DISPOSED OF AS SCRAP OR SALVAGE

War Assets Administration Regulation 13, Order 1, August 15, 1946 (11 F. R. 9080) is hereby revised and amended as herein set forth.

Section 8313.5 (b) of this part provides that the Administrator may, from time to time, determine certain types of classes of special machinery to be commercially

¹Order 3 to Reg. 1 (11 F. R. 6774, 9572, 14490).

^c12 F. R. 663.

unsalable, in which case owning and disposal agencies shall dispose of such special machinery in their possession as scrap or salvage. It has been determined that certain types of special machinery having been designed for, and principally used in, the production of war material are not readily adaptable to general purpose use and are commercially unsalable for the reason that the estimated cost of care, handling, and disposition will exceed the estimated proceeds unless such machines are promptly sold as scrap or salvage.

Pursuant to the foregoing, it is hereby ordered, that:

§ 8313.51 *Commercially unsalable special machinery to be disposed of as scrap or salvage.* (a) The Administrator having determined the special machines described herein to be commercially unsalable, owning agencies are authorized to dispose of such special machines in their possession as scrap or salvage, and disposal agencies shall, subject to the provisions of § 8313.5 (d) of this part, dispose of such special machines as scrap or salvage.

(b) Special machines so determined to be commercially unsalable and included in this order are described as follows:

Manufacturer and description

Avey Drilling Machine Co.. No. 4 drills.
Baird Machine Co.. 5-spindle continuously turning machines.
Baker Machine Co.. Single-end horizontal bomb manufacturing machines: No. 3½ and No. 24 floor type, horizontal bomb manufacturing machines. Two-way combination machines—bomb manufacturing machines.
E. W. Bliss Co.. No. 4, 6, 7 headers.
Black Rock Manufacturing Co.. 6" Can-nelure slotting machines.
Cleveland Automatic Machine Co.. Special purpose Model B machines.
James Coulter Machine Co.. Model T-1, T-3, T-5 and T-6 cartridge machines.
Cross Gear Machine Co.. Nos. 6, 7, 8, 9 and 10 special shell-making milling machines.
Crown Machine & Tool Co.. 3"-6" shell lathes.
Charles F. Elmes Engineering Co.. Special cartridge case presses.
Special nosing presses.
Engineering and Research Corp.. 75-ton stretching press.
150-ton stretching press.
300-ton stretching press.
Propeller profiling machines.
Fellows Gear Shaper Co.. Discing shapers.
Ferracute Machine Co.. Horizontal toggle and crank, 50-cal. ammunition press.
Greenlee Brothers Co.. Automatic, horizontal, vertical and angular, hydraulic feed, multiple-operation, single purpose, special indexing machines.
Henry & Wright Co.. Primer inserting machines.
Hepburn-American Co.. Shell lathes, sizes A, B, B-heavy duty, and C.
Jones & Lamson Co.. Supercharger bucket grinders.
Landis Machine Co.. "Landmaco" shell tappers—models 1½R, 1½RR, and 1½H.O.
Lehmann Machine Co.. All 24" special shell making hydrotel lathes.
Lipe Rollway Corp.. Shell lathes, models B120, B140 and B100.
New Britain Machine Co.. Model 40 chucking machines.
Seneca Falls Machine Co.. Lo-swing lathes, Model LS and special models U and LS.
Sparks Simplex Engineering Co.. Hydromatic simplex lathe for 75-155 m.m. shells.

Sunstrand Machine Tool Co..
 Angular sliding head mills.
 Duplex spot face mills.
 Impeller mills.
 Muff mills.
 Planetary mills.
 Sliding head mills.
 Special end mills.
 Special single purpose aircraft engine production milling machines:
 Mill type planers.
 Slotting machines.
 Table type milling machines.
 Vertical milling machines.
 Swivel rotary mills.
 Van Norman Machine Tool Co.. No. 100 contour milling machines.

(Surplus Property Act of 1944, as amended; 58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611, Pub. Law 181, 79th Cong., 59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b; and E. O. 9689, 11 F. R. 1265)

This section shall become effective May 19, 1947.

ROBERT M. LITTLEJOHN,
Administrator

MAY 19, 1947.

[F. R. Doc. 47-4955; Filed, May 22, 1947; 11:03 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 26—ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

BOARD FOR THE CORRECTION OF NAVAL RECORDS

1. The following addition to the regulations relating to the organization and functions of the Naval Establishment (11 F. R. 177A-159) is authorized:

§ 26.4 *Executive office of the Secretary.* * * *

(c) *Boards, offices, committees and divisions under the direct supervision of the Under Secretary.* * * *

(13) *Board for the Correction of Naval Records.* The Secretary of the Navy was authorized by section 207 of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Congress) to establish a board of civilian officers or employees of the Navy Department to correct any naval record where in their judgment such action is necessary to correct an error or remove an injustice. The Board for the Correction of Naval Records was established by a precept of the Secretary of the Navy dated February 24, 1947. The administrative regulations and procedures prescribed to carry out the duties authorized by this act are set forth under § 27.18 of this chapter.

2. The following administrative regulations and procedures governing the Board for the Correction of Naval Records established to review naval records pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946 (Public Law 601, 79th Cong.) are prescribed.

§ 27.18 *Board for the correction of naval records*—(a) *General provisions*—(1) *Jurisdiction.* (i) The Board for the

Correction of Naval Records, hereinafter referred to as the Board, has been established within the Navy Department to review, upon its own motion, or upon request by or on behalf of any officer, nurse, or enlisted man or woman, or former officer, nurse, enlisted man or woman of the naval service, or, if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, petitions for the correction of the naval record of the individual where an error exists or an injustice is claimed. The Board shall not review any case which would bring the Board into conflict with the powers and authority of any statutory board, or with the jurisdiction of any other board which has been empowered by the Secretary of the Navy to take final action in any class of cases. Thus, the jurisdiction will not include review of reports or decisions of Selection Boards, Board of Review of Discharges and Dismissals (except for discharges or dismissals by reason of the sentence of a general court martial) Retiring Boards, Medical Survey Boards, or Boards of Decorations and Medals.

(ii) The scope of the review shall be to determine whether an error has been made in a naval record, or whether, under normal standards of naval law, administration and practice, the petitioner has suffered a wrong as the result of an error of omission or commission in his record, or through some manifest injustice in the treatment accorded him, and if so, to correct the record and remove the injustice, subject to the approval of the Secretary of the Navy.

(iii) It shall be adequate ground for denial of any application that effective relief cannot be granted or that a sufficient basis for review has not been established.

(iv) The Board has no authority to recall any person to active duty or to set aside the findings of a general court martial.

(b) *Procedure*—(1) *Request for review.* (i) The petitioner should submit a written request for a review to the Board, accompanied by such evidence, statements and affidavits as may be necessary to establish his case.

(ii) The request should state in brief: (a) The full name, rank or rating and the service or file number of the individual; (b) the place to which any notices in connection with the review should be sent; (c) the basis of the claim for review; (d) what action is desired of the Board; and (e) whether the petitioner desires the review on the basis of the petition and accompanying papers, or whether he desires to appear in person before the Board and/or be represented by counsel. (If counsel is desired, the petitioner should designate such counsel by name.)

(iii) When the petition is presented by a surviving spouse or next of kin, satisfactory evidence of the required relationship must be submitted.

(iv) An application for the correction of a naval record may be refused by the Board on the ground that there has been undue delay in filing the application.

(2) *Review on own motion.* (i) The Board shall not conduct a review on its

own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin, legal representative or, if such person is incompetent, his guardian, by registered mail to the last known address, return receipt requested.

(ii) Such notice shall state that a review is to be held by the Board, and shall advise the addressee that he may present evidence to the Board in the manner herein prescribed.

(3) *Methods of presenting case.* (i) The petitioner shall present his case (a) by letter with accompanying evidence and necessary affidavits, or (b) if a hearing is granted by the Board, by presenting evidence before the Board, either in person or by counsel.

(ii) Upon application in person at the office of the Board, the Board may furnish to a petitioner or his counsel such information from the official records pertaining to his petition as may be necessary in order to permit of a fair and impartial review. However, classified matter of the Navy Department will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the Board will obtain and make available to the petitioner or his counsel such summary of the classified matter as, in the judgment of the Board, may be relevant to the case and not incompatible with the public interest.

(4) *Counsel.* The term "counsel" as used in this section shall include members of the Federal bar in good standing, the bar of any state in good standing, and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review.

(5) *Witnesses.* (i) The Board shall require that all testimony be given under oath or by affirmation.

(ii) Witnesses shall be subject to examination and/or cross-examination as appropriate, by the members of the Board, the petitioner, his counsel, or by the Government representative.

(iii) The testimony of witnesses may be presented either in person or by affidavits.

(6) *Expenses.* No expenses of any nature whatsoever incurred by the petitioner, his counsel, his witnesses, or by any other person on his behalf, shall be paid by the Government.

(7) *Notice of hearing.* If a hearing is granted, the Board shall give a petitioner at least thirty days written notice of the time and the place of the hearing. Such time shall be computed from the time of mailing of the notice. The petitioner may waive such time limit and an earlier hearing date may be set by the recorder.

(8) *Continuances.* A continuance may be granted by the Board on its own motion, or at the request of the petitioner or Government representative, when such continuance appears necessary in order to insure a full and fair hearing.

(9) *Failure of petitioner to appear.* A petitioner who requests a hearing and who, after being duly notified of the

time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present and cannot thereafter take exception to the findings or conclusions arrived at in his absence.

(10) *Evidence.* (i) The Board, in its review, shall consider as evidence all available pertinent records of the Navy or Marine Corps, and such evidence as may be submitted by the petitioner and/or his counsel.

(ii) Whenever, during a review, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed in the records and in the testimony and other evidence before the Board, the Board may obtain such further evidence as it may consider essential to a fair and impartial understanding of the facts.

(iii) The Board shall not be restricted by legal rules of evidence.

(11) *Withdrawal.* The Board may, at its discretion and for good cause shown, permit the petitioner to withdraw his request for review without prejudice at any time before the Board begins its deliberations in closed session.

(c) *Action by the Board.*—(1) *Deliberations.* (i) After a full and fair examination of the evidence, the Board shall deliberate in closed session, and shall be governed in its action by the vote of a majority of the Board.

(ii) No persons other than members of the Board shall be present at or participate in its deliberations, except that the recorder may be present.

(iii) The findings, conclusions, decisions and orders shall be signed by the chairman and the recorder.

(iv) In its deliberations the Board shall be guided by the following principles:

(a) Relevant and material allegations appearing in a specification found proved by a general court martial and the findings of fact of a court of inquiry, board of investigation, or investigation, where petitioner was in the status of a defendant or interested party, as approved by the reviewing authorities, shall be presumed by the Board as established facts. This shall not preclude consideration by the Board of evidence appearing in the record of proceedings of such a court martial or investigative body in determining what correction, if any, should be made in respect to the sentence awarded.

(b) Relevant and material allegations appearing in a specification to which the petitioner pleaded guilty in a general court martial, or upon being confronted by which the petitioner elected to resign for the good of the service or to accept a discharge, to escape trial by a general court martial, shall be presumed by the Board as established facts unless the petitioner shall show to the Board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him at that time, which was not apparent to the reviewing authority from the face of the record.

(c) The evidence to be considered will be restricted to that covering relevant and material facts concerning the petitioner's naval service, or his character, conduct, physical condition, or other ma-

terial matter at the time of his entry into the naval service, during such service, or at the time of separation therefrom.

(d) In order to warrant a change, correction or modification of an original record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the entry or omission in the record was improper or inequitable under standards of naval law, administration, and practice existing at the time, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made retroactive. The standards of naval law, administration and practice contemplated in this section are those standards stated in statutes, regulations, bureau manuals, directives of the Navy Department and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General and of the Judge Advocate General of the Navy.

(2) *Findings of facts.* The Board shall make findings of facts in each case which shall include the following:

(i) Type and nature of error of record and/or injustice found.

(ii) Authority under which such error of record or injustice occurred.

(iii) Circumstances surrounding the error of record or injustice as found by the Board to be established from all the evidence considered. This includes material and relevant facts showing in what specific particulars the original error or injustice was or was not proper or equitable under standards of naval law, administration and practice applicable to the case as defined in subparagraph (1) (iv) (d) of this paragraph.

(iv) Conduct and character of petitioner during the entire period of his naval service.

(v) Such other facts as may be disclosed which the Board deems necessary and pertinent to the issue in the particular case under consideration.

(3) *Conclusion.* The Board on the basis of its findings, shall prepare conclusions which shall state (i) whether or not any change, correction, or modification should be made in the record, (ii) where pertinent, the particular change, correction or modification that should be made, and (iii) the reasons why a change, correction or modification should or should not be made. This should not include comments on the actions of others in the naval service. Where such comment is warranted, it should be made the subject of an official communication entirely independent of the petitioner's case.

(4) *Decision.* The Board shall next record its decision. The nature of any change, correction or modification to the record shall be specified with particularity, and such other action shall be taken within the Board's authority as may be deemed necessary to correct insofar as practicable the injustice established.

(5) *Orders.* Written orders based on the decision shall be prepared for transmittal to the proper naval authority.

(6) *Record of proceedings.* (i) When the Board has concluded its proceedings, the recorder shall prepare a complete

original record thereof. Such record shall include the petition; a summary of the hearing, if any; affidavits and a list of the papers and documents considered by the Board; and the findings, conclusions, decisions, and orders of the Board. The record will be authenticated by the recorder as being true and complete.

(ii) The record of proceedings of the Board and the action transmitting the record to the Secretary of the Navy for action shall not contain recommendations of any character which relate to matters beyond the scope of the Board's authority. To the extent that such recommendations are warranted, they should be made a matter for separate communication with the departmental agency having cognizance of the subject matter but should not be associated with the records of the petitioner before the Board.

(d) *Action by the Secretary of the Navy.*—(1) *Transmittal of record.* The original record of the proceedings in each case shall be transmitted forthwith by the chairman of the Board to the Secretary of the Navy for final action.

(2) *Action by the Secretary of the Navy.* (i) The Secretary of the Navy will direct such action in each case as he determines to be appropriate, including the return of the record to the Board for further consideration when deemed necessary.

(ii) The procedure of the Board on such further consideration will conform as nearly as practicable to that heretofore prescribed, except that the scope of the action of the Board will be limited to the matters specified by the Secretary of the Navy in the directive ordering such reconsideration.

(iii) The Secretary of the Navy, after his final action, will return all records to the Board. The Board will notify the petitioner of the action taken in his case, then return all records to the proper naval authority, for the following administrative acts:

(a) Carry out the orders of the Board in respect to the petition in question.

(b) Place copies of the Board's orders and of the record of proceedings in the service record of the petitioner. A reference shall be made in the copy of the Board's report of all enclosures or exhibits which are to be filed elsewhere.

(e) *The Board.*—(1) *Members.* The Board shall consist of civilian officers or employees of the Navy Department in such number, not less than three, as may be assigned. A majority shall constitute a quorum. In event of the absence or incapacity of the chairman, a vice chairman chosen by the Board shall serve as chairman for all purposes.

(2) *Time and place of meeting.* The Board shall be convened at the call of the chairman and shall recess and adjourn at his order. The Board shall sit at a time and place to be fixed by the chairman.

(3) *Duties.*—(i) *The Board.* (a) The Board shall review, on its own motion or upon the request of an officer, nurse, or enlisted man or woman, or former officer, nurse enlisted man or woman of the naval service, or, if deceased, by the surviving spouse, next of kin, legal rep-

representative or if incompetent, by the guardian, the records in question.

(b) In the event a hearing is granted and the petitioner does not appear in person or by counsel, the Board shall review the case on the basis of documentary or oral evidence presented by or on behalf of the petitioner and by the Government representative.

(c) In the event a hearing is granted and the petitioner appears in person or by counsel, the Board shall assemble to hear evidence offered by or on behalf of the petitioner and by the Government representative. After the conclusion of such hearings, the Board shall, as soon as practicable, arrive at their findings, conclusions and decisions. Based thereon, the Board shall prepare such orders as may be indicated.

(ii) *Recorder*—The Recorder is not a member of the Board. He shall: (a) Carefully summarize the testimony presented at hearings; (b) prepare the findings, conclusions, decisions and orders of the Board; (c) perform such other duties as may be assigned to him by the chairman.

(f) *Representatives*—(1) *Government representative*. Upon the written request of the Board, the Judge Advocate General shall designate a Government representative. When a Government representative appears and acts as such before the Board, he may:

(i) Submit to the recorder of the Board a written brief, when considered warranted, analyzing the evidence presented.

(ii) In cases where the petitioner is present in person or by counsel, submit pertinent evidence in the Government's behalf in proper documentary form, or through witnesses.

(iii) In all cases, when he has knowledge of evidence which would substantiate the petitioner's claim he shall disclose such evidence to the Board.

(2) *Petitioner's representative*. In those instances where the petitioner presents his case by letter and affidavits, the recorder shall act as the petitioner's representative. The petitioner's representative shall:

(i) Submit pertinent evidence in the petitioner's behalf in proper documentary form, or orally.

(ii) Submit a written brief, when considered warranted, analyzing the evidence presented.

(g) *Correspondence*. A request for the correction of an error of record or the removal of an injustice should be addressed to the Secretary of the Navy, (Board for the Correction of Naval Records) Navy Department, Washington, D. C.

(Sec. 207, Pub. Law 601, 79th Cong.)

[SEAL] JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 47-4798; Filed, May 22, 1947;
8:46 a. m.]

PART 27—PROCEDURES OF THE NAVAL ESTABLISHMENT

WAR CONTRACTS RELIEF BOARD

The following rules and regulations governing the proceedings before the

War Contracts Relief Board which relate to the settlement and adjustment of claims submitted by war contractors under the provisions of the act of August 7, 1946 (60 Stat. 902) and Executive Order No. 9786 dated October 5, 1946 (11 F. R. 11553) are prescribed.

§ 27.19 War Contracts Relief Board—

(a) *General matters*. (1) Each member of the Board and the recorder thereof is authorized to communicate directly with any person whomsoever in regard to any matter which relates to the business of the Board.

(2) Claims and other papers to be submitted to the Board should, wherever practicable, be clearly typewritten upon paper of standard letter size upon one side only.

(3) Claims and other data filed by the claimant, shall be filed in quadruplicate.

(4) The rules relating to the proceedings before the Board and all final opinions and orders in the adjudication of claims shall be available for public inspection at the offices of the Board in the Navy Department, Washington, D. C. Requests for information in connection with proceedings before the Board should be addressed to the War Contracts Relief Board, Navy Department, Washington, D. C.

(5) Meetings of the Board may be held from time to time on the order of the Chairman thereof, and shall be called at the convenience of the members whenever matters requiring the action of the Board are brought to the attention of the Chairman. Meetings in session may be recessed or adjourned from time to time as the Chairman may direct.

(b) *Proceedings preliminary to hearing*. (1) Claims filed with the Navy Department shall be filed with the Bureau or activity under whose contracts and subcontracts the loss is claimed. When the claim is made with respect to contracts and subcontracts of more than one Bureau or activity, the claim shall be filed with the Bureau or activity under whose contracts and subcontracts the largest claim for loss is made.

(2) Claims shall be in writing and shall be in the form prescribed by section 202 of Executive Order No. 9786 of October 5, 1946.

(3) Upon request by the Board or the recorder thereof, the claimant shall furnish promptly additional copies of its claim or any additional evidence which may be requested and which is within the possession of or available to the claimant, bearing upon the claim or any of the matters referred to in section 2 (a) of the act of August 7, 1946 (60 Stat. 902). Such additional evidence shall be verified by the claimant in accordance with subparagraph (n) of section 202 of the Executive order.

(4) When a claim in any form has been filed with any Bureau or activity of the Navy Department under whose contracts or subcontracts the loss or any part thereof is claimed, the Bureau or activity with which the claim was filed shall immediately forward the claim to the Board, together with a certification of the contracting officer as to the date on which such claim was received. Claims referred to such Bureau or activities in

connection with the consideration of claims filed with other war agencies shall also be referred to the Board upon receipt thereof.

(5) When a claim is forwarded to the Board which was filed for consideration, adjustment or settlement by the Navy Department, or filed with another war agency involving a claimed loss under a war contract or subcontract with the Navy Department, the Board will, before receiving such claim, cause the same to be examined for the purpose of ascertaining:

(i) Whether or not the claim was filed in accordance with the act and the Executive order on or before February 7, 1947, and

(ii) Whether or not the claimant is entitled to relief under the provisions of the act and the Executive order by reason of losses with respect to which a written request for relief was filed with the Navy Department on or before August 14, 1945.

Should it appear from the preliminary examination that the Board does not have jurisdiction to receive, consider, settle or adjust the claim or to approve that part of any proposed settlement by another agency considering the claim, which relates to contracts or subcontracts of the Navy Department, the Board may reject the claim or in its discretion give the claimant an opportunity to be heard as provided for in paragraph (c) (1) of this section before making a determination as to rejection.

(6) (i) When the Board has received a claim for consideration, settlement or adjustment or for approval of that part of any proposed settlement by another agency which relates to contracts or subcontracts of the Navy Department and which is not rejected by the Board for want of jurisdiction, such claim shall be referred to the recorder of the Board who, with the assistance of the Board's staff of analysts and of the contract officer of the Bureau or other activity of the Navy Department involved, shall examine, review and verify the claim. Where such examination, review and verification requires an audit of the claim, the recorder shall request the assistance of the Navy Cost Inspection Service. Where the claim involves losses related to contracts or subcontracts of Bureaus or activities of the Navy Department other than the Bureau with which the original claim was filed or of other war agencies, the recorder shall also request such Bureau, activities or other war agencies to examine, verify, review and comment thereon.

(ii) In connection with the examination, review and verification of a claim to be considered, settled and adjusted by the Navy Department, the recorder shall also transmit a copy of the claim to the General Accounting Office for verification of the list of contracts and subcontracts set forth therein as required by section 301 of the Executive order:

(7) After the recorder shall have completed the analysis of the claim and obtained the necessary reviews, verifications and comments thereon and the consent of other war agencies involved, the claim shall be submitted to the

Board for consideration, together with the analysis and recommendations of the recorder in writing as to the amount or amounts thereof appearing to be allowable or not allowable, and the reasons therefor. After the Board has considered the claim or the question of the approval of that part of any proposed settlement by any other war agency involving Navy Department, contracts or subcontracts, the Board in its discretion may make a preliminary or final determination as to the amount due or as to such approval. The preliminary or final determination of the Board shall be in writing and shall state the reasons therefor and notice thereof shall be given by transmittal of copies thereof to the claimant and other interested agencies.

(c) *Hearings.* (1) If, as provided by paragraph (b) (5) of this section, the Board, before rejecting a claim on jurisdictional grounds, determines in its discretion to grant the claimant an opportunity to appear before the Board, the Board will notify the claimant thereof. The claimant thereafter shall have fifteen days in which to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such hearing. If the claimant states that he wishes to appear or be represented at a hearing, a date for such hearing will be assigned, of which at least fifteen days notice shall be given by the recorder of the Board, to the claimant and other contracting Bureaus or activities and agencies involved. If the claimant states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in this subparagraph, the case will be considered and decided by the Board thereafter at its convenience. The contracting officer of any of the war agencies involved or any person representing him, may appear at any hearing held pursuant to the request of the claimant.

(2) Upon receipt of notice of a preliminary determination as provided for by paragraph (b) (7) of this section, the claimant shall have fifteen days from the date thereof to indicate whether he wishes to appear or be represented at a hearing before the Board and any preference he may have for the date of such hearing. If the claimant states that he wishes to appear or be represented at a hearing, a date for such hearing will be assigned, of which at least fifteen days notice shall be given by the recorder of the Board, to the claimant and other contracting Bureaus and agencies involved. If the claimant states that he does not wish to appear or be represented at a hearing, or if he does not reply within fifteen days from the date of the notice first mentioned in subparagraph (1) of this paragraph, the case will thereafter be considered and finally decided by the Board at its convenience. The contracting officer of any of the war agencies involved or any person rep-

resenting him, may appear at any hearing held pursuant to the request of the claimant.

(3) The unexcused absence of a party or his counsel at the time and place set for a hearing will not be the occasion for delay, but the hearing will proceed and the case will be regarded as submitted on the part of the absent party or parties.

(4) The parties may file briefs in lieu of personal appearances or in connection therewith. All briefs must be filed at least fifteen days prior to the hearing unless otherwise ordered by the Board.

(5) Hearings will be held at the office of the Board in Washington, D. C. unless otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but the Board will consider any such request made by a claimant and received at the office of the Board before notice of a hearing is sent; but the Board may without such a request order a hearing to be held at another place.

(6) A quorum of the Board shall be a majority of the Board. The Board may in any case, with the consent of the claimant, designate one of its members or any other qualified person as an examiner to receive evidence and arguments presented by or on behalf of the claimant, or contracting officer, or both; but in such case the Board shall act on the claim only after the examiner's report and a stenographic transcript of the proceedings before the examiner have been considered by a quorum of the Board.

(7) Hearings before the Board, or an examiner, will be informal, with no fixed form of procedure, the manner in which facts are ascertained and conclusions reached by the Board being, except as otherwise prescribed by these rules, a matter for its discretion. Ordinarily, the contractor and contracting officer or their representatives may offer at a hearing such matter by way of evidence or argument as they see fit; but the extent of such evidence or argument, and the manner of its presentation, may be limited or otherwise controlled by the Board, or the examiner, as the case may be.

(8) The Board may but shall not be required to have all or any part of the proceedings before it taken down stenographically, and to the extent that any proceeding before the Board is taken down stenographically the claimant shall be entitled to a transcript thereof upon request.

(9) No oaths shall be required of persons who present matter orally or in writing to the Board, but the Board, or an examiner may, if it seems expedient, warn persons who make statements in writing or as part of a hearing that such statements may be subject to the provisions of section 35 (a) of the Criminal Code (18 U. S. C. 80) section 19 of the Contract Settlement Act of 1944 (41 U. S. C. 119) and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or within the jurisdiction of any department or agency thereof.

(d) *Representation.* A claimant may be represented by any duly authorized person.

(e) *Decisions.* (1) No decision of the Board shall be conclusive or binding unless concurred in by a majority of the members of the Board.

(2) When the Board approves the settlement of a claim in whole or in part or denies a claim, the recorder will notify the claimant and the interested governmental agency or agencies immediately. When the claim has been settled by agreement or by allowance in full, the recorder will cause to be prepared, the necessary settlement agreement for execution by the parties involved. Prior to submission of the settlement agreement to the claimant for execution the recorder will forward the same to the Office of the Fiscal Director, which will attach a cover sheet indicating the appropriation or appropriations chargeable and the expenditure account or expenditure accounts involved and return the settlement agreement to the Board. The recorder will then forward the settlement agreement to the claimant for execution, and request the claimant to return the same, together with claimant's invoice in triplicate, showing the agreed amount, with the usual Form 1034 certificate endorsed thereon. Upon receipt of the settlement agreement executed by the claimant, together with the invoice, the Chairman of the Board will execute the same, certify the invoice and forward the settlement agreement together with the invoice to the Chief of the Bureau of Supplies and Accounts, Disbursing Division, which will make arrangements for payment after clearing with the General Accounting Office as required by section 301 of the Executive order.

(3) Where the claimant has not requested a hearing under this section and has not indicated agreement with a preliminary determination of the Board, or where after a hearing the claimant has not agreed to the amount found to be due by the Board and the Board and the claimant have not otherwise come into agreement, the Board shall cause to be delivered to the claimant a written statement as to the amount, if any, found to be due on the claim. On the basis thereof the recorder shall ascertain whether or not the claimant will consent to a settlement of the claim on the basis of the amount so found to be due, and if claimant consents shall proceed as outlined in subparagraph (2) of this paragraph. However, no payments shall be made of any amounts so found to be due until the claimant shall have delivered to the Board an unconditional release of all claims whatsoever against the Government or any department or agency thereof as to all contracts and subcontracts involved in consideration of the claim.

(f) *Computation of time.* (1) Whenever this section or any order of the Board prescribe a time within which any act must be performed, Sundays and

legal holidays in the District of Columbia shall count the same as other days, except that when the time prescribed for the performance of an act expires on a Sunday or legal holiday in the District of Columbia, such time shall extend to and include the next succeeding day that is not a Sunday or a legal holiday. *Provided*, That when the time for performing any act is prescribed by statute nothing in this section shall be deemed to be a limitation or extension of the statutory time period.

(2) The Board may extend or waive

any period of time or other limitation upon its action, except as prevented by law, a contract provision, a directive or other regulation.

(Pub. Law 657, 79th Cong., 60 Stat. 902; E. O. 9786, Oct. 5, 1946, 11 F. R. 11553)

These rules shall become effective as of April 18, 1947.

[SEAL] W. JOHN KENNEY,
Acting Secretary of the Navy.

[F. R. Doc. 47-4789; Filed, May 22, 1947;
8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

KISATCHIE NATIONAL FOREST; TRANSFER OF LAND

CROSS REFERENCE: For transfer of lands from Federal Farm Mortgage Corporation to Forest Service see Surplus Property Transfer Order No. 4 under Federal Farm Mortgage Corporation in Notices section, *infra*.

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O., 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8840]

GEBRUEDER MONHEIM AN OFFENER HANDELS GESELLSCHAFT

In re: Interest in contract owned by and debt owing to Gebrueder Monheim An Offener Handels Gesellschaft.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gebrueder Monheim An Offener Handels Gesellschaft, the last known address of which is Berlin, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany).

2. That the property described as follows: All right, title, interest and claim of any name or nature whatsoever of Gebrueder Monheim An Offener Handels Gesellschaft in and to any and all obligations, contingent or otherwise and whether or not matured, arising under that certain agreement, dated March 3, 1937, (including all modifications thereof and supplements thereto, if any) by and between A. J. Caley & Son, Ltd. and New England Confectionery Company, and that certain agreement, dated November 3, 1938, (including all modifications thereof and supplements thereto, if any) by and between A. J. Caley and Son, Limited, Gebrueder Monheim An Offener Handels Gesellschaft and New England Confectionery Company, which agreements relate, among other things, to the payment of royalties derived from the sale of candy manufactured on the "Praletta" machine, including particularly that certain debt or other obligation owing to Gebrueder Monheim An Offener Handels Gesellschaft, by New England Confectionery Company, 254 Massachusetts Avenue, Cambridge 39, Massachusetts, in the amount of \$53,585.91, as

of February 28, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 30, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4831; Filed, May 22, 1947;
8:56 a. m.]

[Vesting Order 8925]

OTTO GROSS

In re: Real property, property insurance policies and claim owned by Otto Gross.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Gross, whose last known address is Frankfurterstr. 26, Wetzlar, Greater Hesse, Germany, is a resident of

Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Real property situated in the City of Pittsburgh, County of Allegheny and State of Pennsylvania, and in the City of DeLand, County of Volusia and State of Florida, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title and interest of Otto Gross, in and to the following insurance policies:

Fire Insurance Policy No. 651096, issued by National Union Fire Insurance Company, 139 University Place, Pittsburgh, Pennsylvania, in the amount of \$4,000.00, which policy insures the property, situated at 5910 Harvard Street, Pittsburgh, Pennsylvania, and expires November 12, 1949.

Fire Insurance Policy No. 650940, issued by National Union Fire Insurance Company, 139 University Place, Pittsburgh, Pennsylvania, in the amount of \$4,000.00, which policy insures the property, situated at 5904 Harvard Street, Pittsburgh, Pennsylvania, and expires October 13, 1948.

Fire Insurance Policy No. 2136, issued by Citizens Insurance Company of New Jersey, 117 Main Street, Flemington, New Jersey, in the amount of \$2,000.00, which policy insures the property, situated at 646 East New York Avenue, DeLand, Florida, and expires January 30, 1949, and

Public Liability Policy, issued by United States Guaranty Company, 90 John Street, New York, New York, in the amount of \$25,000/50,000, in the name of Fidelity Trust Company, which policy insures the property, situated at 646 East New York Avenue, DeLand, Florida, and expires November 20, 1947, and

c. That certain debt or other obligation owing to Otto Gross by Huss Brothers, 5972 Baum Boulevard, Pittsburgh 6, Pennsylvania, including but not limited to rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

EXHIBIT A

Parcel 1. All that certain lot or piece of land situate in the Eleventh Ward of the City of Pittsburgh, County of Allegheny and State of Pennsylvania.

Beginning at a point on the Southerly side of Harvard Street One hundred twenty (120) feet eastwardly from the southeasterly corner of Harvard Street and Beatty Street, or at easterly line of property now or formerly of Letzkus, and thence extending in an easterly direction along Harvard Street Twenty-four (24) feet to Westerly line of property now or formerly of Pillow; thence extending in a southerly direction eighty-seven and eleven hundredths (87.11) feet more or less to the northerly line of property of W. Ryan, preserving the same width of twenty-four (24) feet throughout.

Having erected thereon a frame dwelling known as 5910 Harvard Street.

Parcel 2. All that certain lot or piece of ground situate in the Eleventh (11th) Ward, formerly Nineteenth (19th) Ward of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point on the southerly side of Harvard Street at the easterly line of lot numbered Eleven (11) in the Plan hereinafter mentioned at a distance of forty-eight (48) feet from Beatty Street, thence southwardly along the line common to lots numbered ten (10) and eleven (11) in said plan and parallel with Beatty Street a distance of eighty-four (84) feet to the center of an outside water closet; thence eastwardly and parallel with Broad Street a distance of twenty-four (24) feet to a point in the line of lots numbered Nine (9) and Ten (10) in said plan; thence along the line of lot numbered Nine (9) and parallel with Beatty Street eighty-four (84)

feet to Harvard Street; and thence along said Harvard Street westwardly twenty-four (24) feet to the easterly line of lot numbered Eleven (11), at the place of beginning.

Together with the right of drainage through a sewer running from the rear end of said lot to Broad Street.

Being part of lot numbered Ten (10) in the Dollar Savings Bank Plan of Lots recorded in the Recorder's Office of Allegheny County in Plan Book Volume 67, page 279.

Having thereon erected a two-story frame building known as 5904 Harvard Street.

Parcel 3. Lot three (3) of McBride re-division of a part of E. S. Richardson's subdivision of N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 16, Township 17, South Range 30 East in the city of DeLand, as per map of said subdivision in map book 4, page 58, public records of Volusia County, Florida.

[F. R. Doc. 47-4823; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8934]

WILLIAM KALLENBERGER

In re: Estate of William Kallenberger, deceased. File D-28 11612.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John L. Buehler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William Kallenberger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by John L. Clancey, as administrator, acting under the judicial supervision of the Orphans' Court of Delaware County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-4824; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8951]

KASPAR ATTENBERGER

In re: Bank account owned by Kaspar Attenberger. F-28-24580-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaspar Attenberger, whose last known address is Erding, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Kaspar Attenberger, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a compound interest account, account number 17-9180, entitled Kaspar Attenberger, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director

[F. R. Doc. 47-4825; Filed, May 22, 1947; 8:56 a. m.]

[Vesting Order 8953]

SIEGFRIED FALK

In re: Bank account owned by Siegfried Falk. F-28-25480-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siegfried Falk, the last known address of which is Dusseldorf, Germany, is a corporation, partnership, association

or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Siegfried Falk, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed deposit account, entitled Siegfried Falk, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-4826; Filed, May 22, 1947;
8:56 a. m.]

[Vesting Order 8954]

ADOLPH GANSHIRT

In re: Debt owing to Adolph Ganshirt. F-28-9081-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Ganshirt, whose last known address is Eichstetan, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Adolph Ganshirt by Henry J. Geisert, Trustee, 307 West 4th Street, Ogallala, Nebraska, in the amount of \$1920.00, as of December 31, 1945, which

No. 102—3

sum is presently on deposit in a blocked account in the First National Bank in Ogallala, Ogallala, Nebraska, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 14, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4827; Filed, May 22, 1947;
8:50 a. m.]

JOSEPH MAHLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Joseph Mahler, Brookline, Mass.; A-273; Property described in Vesting Order No. 676 (8 F. R. 5039, April 17, 1943) relating to United States Letters Patent No. 1,932,872 to the extent owned by the claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-4832; Filed, May 22, 1947;
8:57 a. m.]

FRANCOISE SEIGNOBOSC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Francoise Seignobosc, New York, New York; 5312; Property, to the extent owned by the claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13763, November 17, 1944), relating to the literary works "The Gay A B C" and "Story of Collette" (listed in Exhibit A of said vesting order), and described in Vesting Order No. 3918 (9 F. R. 9515, August 4, 1944; 9 F. R. 13773, November 17, 1944), relating to the literary work "Mr. and Mrs. So and So" (listed in Exhibit A of said vesting order), including royalties pertaining thereto, in the amount of \$2,193.67.

Executed at Washington, D. C., on May 19, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-4833; Filed, May 22, 1947;
8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Sugar Rationing Administration

[MPR 60, Amdt. 1 to Order 18¹]

NATIONAL SUGAR REFINING Co.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 18 under Sec. 2 (a) (2) (i) (b) of Maximum Price Regulation 60, direct consumption sugar. Docket No. 6034:4.

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 18 under section 2 (a) (2) (i) (b) of Maximum Price Regulation 60 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) *Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar.* (1) The National Sugar Refining Company is hereby authorized to add a differential of 40 cents per 100 pounds net to the maximum basis price in order to determine a maximum price for a grade of fine granulated sugar sold by it under the trade name "Verifine" when packed in multiwall, asphalt lined paper bags, 11" x 25" x 3" gusset, 25 pounds net weight.

(2) Any other primary distributor is authorized to add a differential of 40 cents per 100 pounds net to the maximum basis price in order to determine his maximum price for sugar of the same grade as that designated as "Verifine" by the

¹ 11 F. R. 10717.

National Sugar Refining Company when sold by him in multiwall, asphalt lined paper bags, 11" x 25" x 3" gussett, 25 pounds net weight.

2. Paragraph (b) is amended to read as follows:

(b) This order may be revoked or amended by the Secretary of Agriculture at any time.

This amendment shall become effective. May 21, 1947.

Issued this 15th day of May 1947.

CLINTON F. ANDERSON,
Secretary of Agriculture.

Opinion Accompanying Amendment No. 1 to Order No. 18 Under Section 2 (a) (2) (i) (b) of Maximum Price Regulation 60

Order No. 18 under section 2 (a) (2) (i) (b) of Maximum Price Regulation 60 was originally issued by the Price Administrator upon the written application of the National Sugar Refining Company for the establishment of a price differential to be used by it in the determination of a maximum price for sales of a fine granulated sugar of a grade sold under the trade name "Verifine" when packaged in multiwall, asphalt lined paper bags, 11" x 25" x 3" gussett, 25 pounds net weight. However, the order as issued provided that the differential established was for "fine granulated sugar", without specifically stating that it was applicable only to sales of a grade of fine granulated sugar sold by the National Sugar Refining Company under the trade name "Verifine". The accompanying amendment is issued to clarify the original order, making it clear that the grade of fine granulated sugar referred to is actually that designated by the National Sugar Refining Company as "Verifine".

[F. R. Doc. 47-4812; Filed, May 22, 1947; 8:47 a. m.]

FEDERAL FARM MORTGAGE CORPORATION

[Surplus Property Transfer Order 4]

KISATCHIE NATIONAL FOREST, LOUISIANA

TRANSFER OF JURISDICTION OF SURPLUS FOREST LANDS

Transferring jurisdiction of surplus forest lands within the Kisatchie National Forest, Louisiana, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended.

Whereas, the following described lands owned by the United States of America and situated in Grant Parish, Louisiana, within the Kisatchie National Forest have been declared surplus and classified as forest lands pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended:

LOUISIANA MERIDIAN

T. 8 N., R. 1 W.,

Sec. 23, SW $\frac{1}{4}$ NE $\frac{1}{4}$ —All of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T8N, R1W, lying west of U. S. Highway No. 165, and north of Louisiana State Highway No. 617, and being more particularly described as follows: Begin-

ning at the NW corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 23, T8N, R1W; thence N. 89°40' E. 20.21 chains to the NE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 23; thence S. 00°20' W. 10 chains along the east line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ to the intersection of said east line with the west right of way line of U. S. Highway No. 165; thence S. 14°15' W. 8.96 chains along the west right of way line of U. S. Highway No. 165; thence S. 50°00' W. 1.26 chains along said right of way to its intersection with the intersection of the north right of way line of Louisiana State Highway No. 617; thence S. 83°00' W. 2.72 chains along north right of way line of Louisiana State Highway No. 617 to its intersection with the south line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 23, T8N, R1W; thence S. 89°40' W. 14.47 chains to the north and south midsection line; thence N. 00°20' E. 19.90 chains to the point of beginning and containing 38.89 acres, more or less. Conveyed to the United States of America by deed from Don J. Futrell and Alma Moore Futrell, his wife, dated April 14, 1943 and recorded among the land records of Grant Parish, Louisiana on April 14, 1943 in Book 73 at page 567;

Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$. Contains 40.08 acres, more or less, and was conveyed to the United States of America by deed from Colfax Banking Company, dated April 14, 1943 and recorded among the land records of Grant Parish, Louisiana on April 14, 1943 in Book 73 at page 559.

T. 8 N., R. 2 W.,

Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$. Contains 79.66 acres, more or less, and was conveyed to the United States of America by deed from George F. McClendon and Ethel C. McClendon, his wife, dated February 16, 1943 and recorded among the land records of Grant Parish, Louisiana on February 17, 1943 in Book 73 at page 282; Sec. 36, SW $\frac{1}{4}$. Contains 160 acres, more or less, and title was acquired by the United States of America in condemnation proceedings entitled United States of America vs. 4,925 acres of land, more or less, situate in Grant Parish, Louisiana, and W. A. Capps, et al., At Law No. 743.

Containing in all 318.63 acres of land, more or less, and subject to:

1. Existing easements for public roads and highways, public utilities, railroads, and pipe lines; and

2. Reservation and/or exception of all oil, gas, and other mineral rights and other interests of record.

Whereas, the property described above was formerly used by the War Department as an impact area of an artillery (bombing, machine gun, rifle, etc.) range; and

Whereas, such property was subjected to contamination by the introduction of unexploded and dangerous bombs, shells, rockets, mines and charges, either upon or below the surface thereof; and

Whereas, the Federal Farm Mortgage Corporation is unable to certify that the property has been completely and fully cleared and decontaminated and is unable to state whether or not the same is safe for use; and

Whereas, the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described lands for administration as a part of the Kisatchie National Forest with full knowledge of, and notwithstanding, the foregoing; and

Whereas, the acquisition has been approved by the National Forest Reservation Commission, and the Forest Service has caused the sum of \$2,750.00, which

is the fair value of the land, to be covered into the Treasury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the acquisition of lands under the provisions of the act of March 1, 1911 (36 Stat. 961) as amended;

Now, therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned act of 1944, does hereby transfer the aforesaid lands to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 28th day of April 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

[SEAL] FEDERAL FARM MORTGAGE CORPORATION,
By JACK HIGDON,
Vice President.

Attest:

W. D. JONES, Jr.,
Assistant Secretary.

[F. R. Doc. 47-4820; Filed, May 22, 1947; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-177]

NEW YORK POWER AND LIGHT CORP.

ORDER SETTING HEARING

(1) On February 5, 1947, New York Power and Light Corporation filed a declaration of intention under section 23 (b) of the Federal Power Act to construct a dam and hydroelectric plant on the Sacandaga River at a site generally referred to as Stewarts Bridge in Saratoga County, approximately three miles upstream from its confluence with the Hudson River at Hadley, New York. The declarant has its principal office in Albany, New York, and is an operating public utility subsidiary of Niagara Hudson.

(2) The proposed dam is to be about 1,400 feet in length with a maximum height of approximately 112 feet above the natural bed of the river providing 99 feet of operating head and a normal usable volume of 1,800 acre-feet in the reservoir. One 37,500 kva generating unit is to be installed in the power house, the turbine having a rated capacity of 46,000 hp.

(3) No lands of the United States or Indian lands appear to be involved in the proposed construction but the Commission staff reports that the Sacandaga River has been used for both logging and boat navigation from its mouth upstream for some distance above the proposed dam, and that the Hudson River has been used for both logging and boat navigation for long distances above Hadley down to its mouth, including a connection with Lake Champlain which joins the Hudson River not far below Hadley.

(4) The proposed dam is to be located downstream from the Conklingville dam

and reservoir owned and operated by the Hudson River Regulating District, a conservation district organized under State law. This reservoir has a useful capacity of around 690,000 acre-feet and is used to supply water to power plants located on the Sacandaga and Hudson Rivers. The staff also reports that the operators of the Conklingville reservoir and probably the power plants below affect the navigable capacity of the Hudson River.

The Commission finds that:

(5) Sufficient information is not at hand to pass upon the location of the upstream head of navigation on either the Sacandaga River or the Hudson River, nor upon the question of what effect, if any, the proposed construction may have upon the interests of interstate or foreign commerce, and a hearing should be held to afford full opportunity for presentation of all appropriate information which may bear upon these questions.

It is ordered that:

(6) A hearing be held commencing on Monday, July 14, 1947, at 10:00 a. m. (e. d. s. t.) in Court Room No. 2, Post Office and Court House Building, Albany, New York.

Date of issuance: May 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4816; Filed, May 22, 1947;
8:48 a. m.]

[Docket Nos. G-585, G-796, G-889]

ALABAMA-TENNESSEE NATURAL GAS CO.
ET AL.

ORDER PROVIDING FOR FURTHER CONSOLIDATION OF PROCEEDINGS AND MODIFYING ORDER FIXING DATE OF HEARING

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G-585; Southern Natural Gas Company, Docket No. G-796; East Tennessee Natural Gas Company, Docket No. G-889.

It appears to the Commission that:

(a) On October 9, 1944, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate approximately 66 miles of 10¾-inch O. D. natural-gas transmission pipeline originating at a point of connection to be made with the 24-inch pipeline of Tennessee Gas and Transmission Company near Enville, Tennessee, and extending southeasterly across the Tennessee-Alabama state line to the plant of the Reynolds Metals Company at Listerhill, near Muscle Shoals, Alabama; together with facilities to permit the delivery of natural gas from such pipeline to the National Utilities Company for resale at Florence, Sheffield, and Tuscumbia, Alabama, and to the Tennessee Valley Authority at Muscle Shoals.

(b) Proceedings upon the application of Alabama-Tennessee at Docket No. G-585 have been deferred until the present time upon the request of that Applicant, and because of its failure to furnish re-

quested information in support of such application.

(c) The Commission, by its order of May 6, 1947, consolidated the proceedings at Docket Nos. G-796 and G-889, for the purpose of hearing to commence on May 26, 1947, at Chattanooga, Tennessee.

(d) It may be in the public interest that there be an early disposition as to certain of the facilities, referred to under paragraph (1) (A) and subdivisions (1) to (4) inclusive of paragraph (1) (B) of the Commission's order of May 6, 1947, to provide increased supplies of gas for existing customers.

The Commission finds that:

(1) Good cause exists for consolidating the proceeding at Docket No. G-585 with the consolidated proceedings at Docket Nos. G-796 and G-889 for the purpose of hearing.

(2) It is in the public interest that its order of May 6, 1947, be modified to the extent hereinafter ordered.

The Commission orders that:

(A) The proceedings in Docket Nos. G-585, G-796, and G-889 be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 26th day of May, 1947, at 10:00 a. m., in Grand Jury Room No. 355, Post Office and Court House Building, Chattanooga, Tennessee, concerning the matters involved and the issues presented by the application and the amendments thereto, and other pleadings in these proceedings.

(C) Paragraph (C) of the Commission's order of May 6, 1947, shall be modified and revised to read as follows:

(C) The officer designated by the Commission to preside at the public hearing may hold a conference of all parties participating in the proceedings, concerning the matters of fact and law asserted in the applications, as amended, and other pleadings filed in the proceedings for the purpose of settling, simplifying or limiting the issues and further apprising the parties of the issues upon which evidence must be adduced at the public hearing.

(D) Thereafter, the hearing shall proceed in the following order, to include complete proceedings upon each application:

Southern Natural Gas Company, Docket No. G-796; Alabama-Tennessee Natural Gas Company, Docket No. G-585; East Tennessee Natural Gas Company, Docket No. G-889.

(E) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of Practice and procedure (effective September 11, 1946).

Date of issuance: May 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4815; Filed, May 22, 1947;
8:47 a. m.]

[Docket No. G-636]

TENNESSEE GAS AND TRANSMISSION CO.
AND CHICAGO CORP.

ORDER FURTHER POSTPONING HEARING

It appearing to the Commission that: Good cause exists for further postponing the hearing in the above-docketed matter heretofore set to commence on May 26, 1947; and

The Commission orders that:

The public hearing in the above-docketed matter is hereby postponed to June 30, 1947, commencing at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: May 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4813; Filed, May 22, 1947;
8:47 a. m.]

[Docket No. G-826]

MINNESOTA NATURAL GAS CO. AND
NORTHERN NATURAL GAS CO.

ORDER GRANTING MOTION FOR CONTINUANCE

It appearing to the Commission that:

(a) On February 10, 1947, this proceeding came on for hearing in Kansas City, Missouri, and was, on that date, adjourned by the Trial Examiner to reconvene on February 13, 1947, at Omaha, Nebraska.

(b) On February 13, 1947, this proceeding came on for further hearing in Omaha, Nebraska, in accordance with the directions of the Trial Examiner.

(c) On February 14, 1947, this proceeding was again adjourned by the Trial Examiner to reconvene on May 19, 1947, at Washington, D. C.

(d) On May 12, 1947, the Complainant, Minnesota Natural Gas Company, filed with the Commission a motion for continuance of the hearing in this proceeding, which motion is concurred in by the Defendant, Northern Natural Gas Company.

(e) Good cause exists for continuing the date of hearing as hereinafter provided.

The Commission orders that:

The motion for continuance of the public hearing in this proceeding be and it is hereby granted, and the said hearing is continued to September 8, 1947, to reconvene on that date at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: May 16, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-4814; Filed, May 22, 1947;
8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 739]

UNLOADING OF MACHINERY AT OAKLAND, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of May A. D. 1947.

It appearing, that car PRR 280847 containing machinery at Oakland, Calif., on the Southern Pacific Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Machinery at Oakland, California, be unloaded.* The Southern Pacific Company, its agents or employees, shall unload immediately car PRR 280847, containing machinery now on hand at Oakland, Calif., consigned to Atkinson Grinding & Machine Works.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4809; Filed, May 22, 1947; 8:46 a. m.]

[S. O. 740]

UNLOADING OF COAL AT PARIS, ARK.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of May A. D. 1947.

It appearing, that 8 cars containing coal at Paris, Arkansas, on the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) have been on hand for an unreasonable length of time, and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Coal at Paris, Ark., be unloaded.* The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) its agents or employees, shall unload immediately the following cars, containing coal, now on hand at Paris, Arkansas:

New Union Coal Co.—Car initial and number:
MP 56088.

Washery Coal Co.—Car initial and number:
NYC ----- 866181
MP ----- 64115
MP ----- 58365
MP ----- 56525
MP ----- 22176
MP ----- 66160
PS&N ----- 9115

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., May 21, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by

filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 47-4810; Filed, May 22, 1947; 8:47 a. m.]

OFFICE OF HOUSING EXPEDITER

[C-32]

L. A. GILLESPIE

CONSENT ORDER

L. A. Gillespie is charged with having begun construction of a theater building on Lots 5 and 6, Block 10, First Addition to Pateros, Washington, although the said L. A. Gillespie had on the 28th day of January, 1947, been granted authorization by the Civilian Production Administration to construct a one-story frame building for a warehouse and millwork shop, 38' x 110' in size, upon said premises. The construction of a theater, as aforesaid, constituted a violation of Veterans' Housing Program Order 1, as amended October 7, 1946.

L. A. Gillespie does not desire to contest the charge, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of L. A. Gillespie, the Regional Compliance Director and the Regional Compliance Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither L. A. Gillespie, his successors or assigns, nor any other person shall do any further construction upon the one-story building, 38' x 110' in size, situated on Lots 5 and 6, Block 10, First Addition to Pateros, Washington, including the putting up, completing or altering of the structure unless hereafter specifically authorized by the Office of the Housing Expediter.

(b) L. A. Gillespie shall refer to this order in any application or appeal which he may file with the Office of the Housing Expediter for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve L. A. Gillespie, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Office of the Housing Expediter, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 21st day of May 1947.

OFFICE OF THE HOUSING
EXPEDITER,
By JAMES V. SARCONI,
Authorizing Officer

[F. R. Doc. 47-4851; Filed, May 21, 1947; 2:44 p. m.]